

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 10, 1937

The House met at 12 o'clock noon.

The Reverend John W. Rustin, pastor of the Mount Vernon Methodist Episcopal Church South, Washington, D. C., offered the following prayer:

Gracious God, Father of us all, high above us and yet living in each one of us, forgive us, we pray Thee, that too often when we pray we do it as a matter of form and do not actually enter into Thy spirit.

Bless, we pray Thee, this group of men who have been placed in such responsible positions in a time like this. Grant that they may feel the need of Thy divine guidance and not be dependent on their own strength.

Forgive us that too often our eyes are closed to the major issues of life by prejudice, greed, and selfish interest.

May we ever be mindful of our brothers, so that when we pray we can actually say, "Thy kingdom come in earth as it is in heaven."

Breathe, Thou Breath of God, into our restless world, that we may this day hear that still, small voice of calm speaking to our inner souls, bringing quietness and peace to our troubled lives. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow; and coupled with that request, I ask unanimous consent that there may be four hours and a half of general debate on the resolution (H. J. Res. 375) extending the excise taxes, the time to be equally divided between and controlled by the gentleman from Massachusetts [Mr. TREADWAY] and myself.

Mr. RICH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from North Carolina if they are going to have in the tax bill anything with reference to the undistributed surplus taxes this year?

Mr. DOUGHTON. We hope to later.

Mr. RICH. That is fine. I hope the gentleman will see we get that bill.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from North Carolina whether or not the committee has made any amendments to the House joint resolution as originally introduced?

Mr. DOUGHTON. None.

Mr. BOILEAU. No committee amendment at all?

Mr. DOUGHTON. None at all.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent that on Friday, June 18, after the reading of the Journal and the disposition of the legislative business of the day, I may be permitted to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein a copy of a speech delivered by my colleague the gentleman from Massachusetts [Mr. CONNERY] on the new hours and wages legislation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes in order to discuss

the violation of the National Labor Relations Act by the Republic Steel Corporation, the Inland Steel Corporation, and the Youngstown Sheet & Tube Co.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RAYBURN. Mr. Speaker, under the system we have adopted I feel constrained to object.

Mr. ELLENBOGEN. Will the gentleman withhold his objection for a moment?

Mr. RAYBURN. I will, if it does not take much time.

Mr. ELLENBOGEN. I believe, Mr. Speaker, we should have an opportunity to discuss an important matter like this, and should be given time to do so. This is as important as any matter which may come before the House.

Mr. RAYBURN. Mr. Speaker, the gentleman understands there will be no objection to his speaking this afternoon after the business of the day has been completed. I cannot agree to the gentleman speaking at this time.

Mr. ELLENBOGEN. That will probably be about 5 or 6 o'clock, when everybody is tired and wants to go home.

The SPEAKER. Objection is heard.

Mr. DIES. Mr. Speaker, I call up House Resolution 229.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6391, a bill to authorize the prompt deportation of criminals and certain other aliens, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. DIES. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. TAYLOR].

The SPEAKER. The gentleman from Texas is recognized for 30 minutes, and the gentleman from Tennessee [Mr. TAYLOR] will be recognized for 30 minutes.

Mr. DIES. Mr. Speaker, the Dies bill (H. R. 6391), which will be under consideration when the rule is adopted, is a compromise measure. As is well known, for some 5 or 6 years there has been an attempt, heretofore futile, to work out some sort of fair compromise on the deportation question as well as in reference to the meritorious cases. It was a most difficult task to find any common meeting ground, because on this question, particularly, as well as on practically every other question, there are extreme views on both sides. We know, of course, that legislation of all kinds and character is necessarily the result of compromise.

When the original proposal, the Kerr-Coolidge bill, was before the House, many of us opposed its passage for certain reasons which I will hereafter explain. All of the labor organizations were likewise opposed to the passage of that measure. This compromise measure has been worked out by and between opposing groups and factions. It now has the unqualified support of the American Federation of Labor and John L. Lewis, the head of the Committee for Industrial Organization.

Mr. Speaker, at this point I ask unanimous consent to place in the RECORD the letter from William Green in support of this measure, as well as the letter from John L. Lewis, who also endorses the measure.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The letters are as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., May 7, 1937.

HON. MARTIN DIES,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: As a result of a careful examination and analysis of H. R. 6391, of which you are the author, by capable

representatives of the American Federation of Labor, I am writing you advising you of our endorsement of this measure.

This revised immigration measure seems to be reasonably satisfactory. I am transmitting this information to you so that you might be acquainted with the official attitude of the American Federation of Labor toward this proposed legislation.

Very truly yours,

W. GREEN,
President, American Federation of Labor.

UNITED MINE WORKERS OF AMERICA,
Washington, D. C., May 14, 1937.

Mr. EDWARD J. SHAUGHNESSY,
Acting Commissioner, Immigration and Naturalization Service, United States Department of Labor,
Washington, D. C.

DEAR MR. SHAUGHNESSY: House Resolution 6391, authorizing the deportation of criminals and certain other aliens, has been given careful consideration. I am of the opinion that the bill, as it now stands, should be enacted by Congress.

It provides for a wider discretion in the Secretary with respect to the more humane treatment of aliens on limited stay in this country, and, at the same time, enlarges the statutory grounds for deporting objectionable aliens.

As the bill provides that quotas under existing laws shall not be disturbed, we think that the objectives of this bill are praiseworthy and I am glad to give it our endorsement.

Very truly yours,

JOHN L. LEWIS.

Mr. DIES. Not only does this measure represent the views and wishes of these labor organizations, but in its present form meets the objections those organizations had to the Kerr-Coolidge bill. It follows to a large extent the recommendations contained in the platform of the American Legion adopted in its last convention. I hold in my hand the platform of the American Legion relative to deportation. You will observe that this bill contains in many instances language almost identical to that adopted by the American Legion. For instance, the American Legion platform states:

We recommend the deportation of any alien who has been convicted of violation of any narcotic law of any State, Territory, insular possession, or the District of Columbia.

That identical language is incorporated in this measure. The American Legion also recommended the following:

We recommend the deportation of any alien who has knowingly encouraged, induced, assisted, or aided anyone to enter or try to enter the United States in violation of law.

This recommendation, with certain exceptions which I will hereafter explain, is also incorporated in the present law.

Mr. STARNES rose.

Mr. DIES. If the gentleman will not ask me to yield now, I will try to yield later.

Then, also, the American Legion said:

We recommend that designated persons holding supervisory positions in the Immigration and Naturalization Service be given power to issue warrants of arrest for persons believed to be subject to deportation.

This recommendation is also carried in this bill.

Also, the American Legion said:

We recognize, however, the possibility of meritorious exceptions arising and the necessity of judicial interpretation of appeal from strict enforcement of the foregoing deportation provisions, and therefore recommend the power to exempt from deportation be vested in judges of the respective United States district courts, before whom all such appeals should be heard.

The language of the present act, as I shall hereafter explain, recognizes the principle of discretion in meritorious cases subject to deportation, but unlike the recommendation of the American Legion, the present bill vests such limited discretion with the Department of Labor, whereas the American Legion in their convention, recommended the vesting of that discretionary power in a board of review.

Likewise the American Legion recommended the deportation of any alien who has been convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude or a felony.

This provision, not exactly in that language, is to a large extent incorporated in this measure.

Now, Mr. Speaker, I shall undertake to discuss the provisions of this bill fairly, so that the facts in regard to it will be well known to all of the Members present.

The first section deals with a new class of cases that are made mandatorily deportable. In the original Kerr-Coolidge bill and the bills that preceded it, all of the new classes of deportable cases were made discretionary with the Secretary of Labor. In addition to this, in the original bills that were introduced, unlimited discretion was given to the Secretary of Labor for all time without any restriction as to time or as to number to be permitted to remain in the United States.

The first four sections of this bill deal strictly with criminal aliens who are not now deportable under existing law. The bill does not represent all that I want. Certainly, it does not represent all that any Member on either side of this question wants.

The first paragraph states that any alien is subject to deportation who is convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude for which the alien is committed to an institution as a result of such conviction.

Under the language of this paragraph any alien in the future who is guilty of any crime involving moral turpitude is deportable, and I may say that under the interpretation given by the courts of most States moral turpitude includes a great variety of crimes ranging from petty offenses to crimes of a more serious nature. This provision undertakes to put the alien upon notice that insofar as the future is concerned any alien who is guilty of any crime that involves moral turpitude and is sent to an institution, which may mean a jail or a penitentiary, is subject mandatorily to deportation.

Under existing law the only alien that can be deported for the perpetration of a crime involving moral turpitude is an alien who, within 5 years after entry, commits such crime and is actually sentenced to a year or more in the penitentiary. A considerable class of criminal aliens, therefore, escape deportation under the terms of existing law. This Dies bill reaches out and includes all aliens, whether they were sentenced to 1 year or less, even if they were sent to jail or the penitentiary, no matter how long the time or what the period may be.

In my previous bill, which was amended by the committee, I provided for the mandatory deportation of aliens, even if they were pardoned, and the provision was retroactive. The committee, however, by unanimous action, considered that too harsh and amended that provision with the compromise proposal which I have just read.

Paragraph 2 of the bill says, also—

Has been convicted in the United States within 5 years of the institution of deportation proceedings against him of the crime of possessing or carrying any firearm, even if the alien was not sentenced to imprisonment.

Some objection has been raised to this provision on the ground that an alien who is hunting rabbits would be subject to deportation under the terms of this bill. The alien must first be convicted of the offense of carrying a firearm before he is subject to deportation, and under the laws of every State that I ever heard of a citizen or an alien or anyone else who has any legitimate purpose or use for a weapon can secure a permit to carry one.

Not only is that true but in the State of Texas a man is entitled to have a weapon in his home for self-defense, and, so far as I know, there is no law that prohibits a man from using a gun to go hunting, provided he has a permit for doing so.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. DIES. Not now; in a few minutes. The purpose of this language was to reach a class of criminal gangsters and racketeers that could not be apprehended upon any other charge, men who have successfully evaded the law for many years. The only crime that you can pin on them is the crime of having firearms in their possession. Of course, an

alien who has lawful purposes can secure a permit, and with a permit he could not be convicted, and therefore would not be subject to deportation; but aliens who carry firearms, machine guns, and various other contraptions for illegal and unlawful purposes could be apprehended under the terms of this provision, which is admittedly very strict, very rigid, for the purpose of reaching out and apprehending a large class that immigration authorities are unable to deport under existing law. As I said, there is opposition to that section from some who think it is too drastic, but in view of the experiences of the immigration authorities that provision is essential if we propose to deport the gangsters and racketeers who have infested this country and who have heretofore been successful in escaping conviction.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield at that point?

Mr. DIES. Not now.

Paragraph (3) deals with any alien who violates the narcotic law of any State, Territory, or possession. There is no controversy in reference to that paragraph. Under existing law you can deport an alien for violating a Federal narcotic law, but not for violating a State or Territorial narcotic law.

Paragraph (4) deals with the smugglers. Under the existing law an alien who has been smuggled into the United States can be deported, but an alien who is engaged in smuggling another alien into the country cannot be deported. The language of that provision is:

Knowingly and for gain encouraged, induced, assisted, or aided anyone to enter the United States in violation of law, or on more than one occasion subsequent to the date of the enactment of this act knowingly encouraged, induced, assisted, or aided anyone to enter the United States in violation of law.

The purpose of that language was to get the professional smuggler, but to protect the mother or father who might be guilty of writing to a son or some near relative encouraging that son to enter, and who under such law would be subject to deportation. Under that provision, if they did so on more than one occasion they would be subject to deportation.

In reference to paragraph (1), I do not think anyone can deny that paragraph makes deportable a large class of criminal aliens not now deportable. I do not see how any restrictionist can oppose that paragraph. It may not go far enough in the minds of some, but, as I said a few moments ago, if we are to have any solution ever of this vexing problem, there must be a spirit of concession, which has been very generously made by the labor organizations in the United States in reference to this bill.

Section 2, as I said, deals with the so-called meritorious cases. Heretofore in legislation that has been proposed unlimited discretion was vested in the Department of Labor. I join with Mr. STARNES and Mr. SCHULTE and others in opposing the provisions of that bill, because I was opposed to granting any unlimited discretion to any department to say who should or should not be deported. It was my original thought that the way to handle all these meritorious cases was through special bills. I am absolutely convinced as a result of what has occurred in this House that it is impossible to deal with this situation through special bills. We had a demonstration of that fact not long ago when 15 special bills were before this House. The House consumed 5½ hours considering four bills and made no disposition of any of the bills. So necessarily the Congress of the United States, representing 127,000,000 people and dealing as it does with many major questions, cannot deal with all of the cases that are entitled to exceptions in the deportation laws.

This compromise proposal limits that discretion. First it says except as to aliens who are Anarchists or Communists, and so forth. That excludes from the operations of the act those aliens who, under the provisions of existing laws, are classified as radicals or Anarchists or Communists. It also excepts from this discretion those aliens who have imported opium or who are subject to deportation under an act to

amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes." It excepts them from the discretion. Also aliens who are subject to deportation upon the ground that they have violated a narcotic law, and aliens who are criminals, prostitutes, procurers, or other like immoral persons. It first limits the discretion vested in the Department of Labor as to the character of aliens that can be granted leniency or exception from deportation. Then, in addition to that limitation upon the exercise of the discretion, there is a time limit placed in the bill of 4 years. At the expiration of 4 years no further discretion can ever be exercised by the Secretary of Labor.

During that 4 years, for the first year the Secretary of Labor can permit 3,500 to remain in the United States and 1,500 for each and every year thereafter for a period of 4 years.

I realize this is a very controversial section in this bill, but we have a situation that we must recognize if we want to be absolutely fair on this question. As long as the hardship cases exist and those who are in favor of restriction refuse to do anything constructive to relieve them, then the cause of restriction in the United States is damaged and injured. There are some 2,500 cases where deportation stays have already been granted, the Congress having passed an act a year or two ago permitting a temporary stay, as I recall, and where the aliens are subject to deportation in certain classes of cases. For instance, an alien has entered this country legally, not under quota but for temporary purposes. He has come as a student, a visitor, a preacher, or a doctor, or whatever the exceptions may be that enable him to enter for a temporary period. After he came to the United States he overstayed his limit and did not depart when he should have departed. In the meantime he has married. He has a wife and he has children. I have a number of cases in my file, but there is one case that illustrates the point under which one alien would be subject to deportation to Ireland, his wife to Canada, but neither country will accept his four children. Therefore they would be left in the United States without their parents. There are other classes of aliens, and a majority of classes that the Department of Labor has temporarily held up are classes, as I have said, where the alien entered legally but overstayed the limit and in the meantime married, and through lax enforcement of the law they have formed family ties in the United States, and now they are subject to deportation, some 2,500 of whom will be deported unless some provision is made by Congress.

What are we going to do about it? We cannot handle it by special bills. That is manifest. If we do not repose discretionary power in some department or some bureau, how can we handle the hardship cases? Not only is that true but those hardship cases that are now pending, as I said a moment ago, are not the criminal classes, the radical classes, or the immoral classes, but they are aliens who are already here; aliens who have family ties.

What is the effect of this provision? It simply says this: We have a quota of 153,000 for all of the countries, on a quota basis. In September 1930 President Hoover issued an Executive order in which he called the attention of the consuls to a provision in the immigration laws permitting them to reject applicants who were likely to become public charges. Ever since 1930, by administrative action, the consuls have excluded people from the United States, with the exception of a few. That discretion is almost unlimited, as many Members who have had experience with this character of cases know. By administrative action the Department of State estimates that 993,000 aliens who would otherwise have been admitted to the United States since 1931 have been excluded from the United States on the ground that they would likely prove to be hardship cases. But the effect of this hardship provision is simply to say this: Here is a man, already here; he has got a wife and he has children. If he is deported, he will go back to Ireland or Germany, or whatever his country is, and then some new immigrant who has no ties in the

United States will come in his place, because under the terms of this bill every immigrant who is permitted to remain under this limited discretion is charged to the quota of his particular country. So that there is no increase in immigration. It is simply a question of choice between those who are here and who have family ties and those who have never entered the United States and who seek entrance for the first time.

So that it seems to me in making that choice, in the interest of humanity and for the sake of settling this eternal controversy that exists with reference to hardship cases, this compromise proposal should be accepted.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield.

Mr. FORD of California. Is not the present law farcical, monstrous, and tragic in its operation?

Mr. DIES. Of course, when you go into that question you must consider this: We have a Canadian border of approximately 3,000 miles. We have a Mexican border of 2,500 miles. Do you know how many immigration officials we have to patrol those borders? We have 800 and some odd. They must work on an 8-hour basis, and they must work in units of two; so that, for practical purposes, at one time you have only 60 units to patrol 3,000 miles. Therefore, it has been utterly impossible to prevent illegal entrance into the United States. As a matter of fact, the Congress has never made adequate appropriations for the purpose of enabling us to patrol the borders and to prohibit aliens from illegally entering the United States.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield for a question?

Mr. DIES. I yield.

Mr. FITZPATRICK. Assuming that an alien married an American citizen, had children, and was deported; he could come back to this country nonquota, could he not?

Mr. DIES. That is true.

Mr. FITZPATRICK. It would just put him to that expense and deprive his family of the money spent on his deportation.

Mr. DIES. That is true.

As I was saying, by reason of our inadequate appropriations, it has been very easy for aliens to cross our great border. There is another reason: Up until 1929 it was not a violation of the law to enter this country illegally, there was not any crime attached to it; so, while no one could condone the illegal entrance, nevertheless it does seem to me that we should recognize some exceptions. I know of no law that does not recognize exceptions. Under the law of my State a jury can suspend a man's sentence even when he is known to be guilty. The Governor of my State can pardon a criminal; even the police magistrate who has power to sentence an alien for 1 year or more can grant a pardon and prohibit him from being deported. I cannot, therefore, see how in any way it will hurt our immigration laws if we give a limited discretion. I am as much opposed to wide and unlimited discretion as anyone. I frankly admit that it was my belief for a long time that these cases should be handled by special bills. The Department of Labor dumped into the lap of the Immigration Committee, as I have been informed, some 2,000 cases. It was utterly impossible for them to proceed in that way.

We are face to face with a practical question of whether we should give preference to these people who have home ties—

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield.

Mr. MAY. As I understand the gentleman's bill, section 1 lists aliens who are to be mandatorily deported under four subheads.

Mr. DIES. That is true.

Mr. MAY. Section 2 provides that under the provision of certain laws now existing the Secretary of Labor may permit to remain in the United States any one of these classes

that are to be mandatorily deported if she finds certain things to exist.

Mr. DIES. No; that is not absolutely correct.

Mr. MAY. I want to be informed about that.

Mr. DIES. As to the four classes that are to be mandatorily deported under section 6, paragraph 3, there is no discretion whatever; in other words, as to those, the Secretary cannot grant any exception. As to the other classes the Secretary has limited discretion, as I said, for a period of 4 years, limited to these so-called hardship cases.

Mr. MAY. Mr. Speaker, will the gentleman yield further?

Mr. DIES. I am sorry, but I cannot yield further.

Section 5 makes it plain that this act is supplemental to existing law, that it in no way repeals any provision of existing law requiring the deportation of any alien.

Section 6 does away with the preference that is now given under our quota laws to immigrants skilled in agriculture, their wives, and their dependent children. This is repealed, for the facts show that it has been abused, that many aliens have entered the country under the guise of being agriculturists when as a matter of fact they were destined for our industrial centers. I do not suppose any restrictionist will oppose that.

Section 7 deals with a subject that has been controverted ever since I have been here; it deals with that class of aliens who entered between 1921 and 1924 illegally, walked across the borders, and who now are not subject to deportation, they cannot be gotten rid of under existing laws. [Applause.]

[Here the gavel fell.]

CALL OF THE HOUSE

Mr. STARNES. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. (After counting.) One hundred and forty-three Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 86]

Amle	Connery	Hill, Wash.	Phillips
Arnold	Curley	Hoffman	Rabaut
Bates	Driver	Hook	Richards
Beam	Duncan	Imhoff	Sabath
Bell	Elcher	Izac	Sadowski
Bernard	Faddis	Jenks, N. H.	Schuetz
Bigelow	Fitzgerald	Kvale	Smith, W. Va.
Brooks	Flannagan	Lesinski	Taylor, Colo.
Buckley, N. Y.	Ford, Calif.	Lucas	Taylor, S. C.
Caldwell	Fulmer	Luckey, Nebr.	Tinkham
Cannon, Wis.	Gasque	McGranery	Tobey
Carter	Gifford	Maas	Vinson, Ga.
Cartwright	Gilchrist	Magnuson	Voorhis
Case, S. Dak.	Gildea	Mouton	Wadsworth
Chandler	Gray, Pa.	O'Connell, Mont.	Weaver
Chapman	Greenwood	O'Day	Wilcox
Clark, N. C.	Griffith	O'Neal, Ky.	Woodruff
Coffee, Nebr.	Griswold	Pace	
Collins	Harlan	Pettengill	
Colmer	Hartley	Peyser	

The SPEAKER. Three hundred and fifty-three Members have answered to their names. A quorum is present.

On motion of Mr. DIES, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a splendid address delivered by our colleague the gentleman from Massachusetts [Mr. McCORMACK] at the commencement exercises of Southeastern University, Washington, D. C.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

DEPORTATION OF CRIMINALS AND CERTAIN OTHER ALIENS

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker and Members of the House, I shall not attempt to discuss analytically the provisions of the pending measure, because the distinguished author of the bill, who has just preceded me, with his usual and customary vigor and perspicacity has done so.

The proposal under consideration today is essentially and fundamentally a deportation measure. However, it does possess a slight immigration feature, in that such of the so-called hardship cases in which an order of deportation is definitely stayed shall be charged against the quotas of the countries from which the immigrant in question came.

During the past decade, happy to relate, we have practically solved our immigration problem, and, interesting to note, credit for this achievement belongs to a man who has been, perhaps, the most misunderstood and most ruthlessly misrepresented—yes; the most unjustly maligned individual in America—former President Herbert Hoover. [Applause.] In the early days of the depression, with statesmanlike vision, President Hoover saw the imperative importance of materially curtailing our foreign immigration. He summoned to the White House the then Secretary of State, Hon. Henry L. Stimson, and after a conference on the subject the Secretary of State promulgated an order to our consular representatives abroad to reduce by 90 percent their existing quota visas to the United States. This was done, and the result has been that aliens have left the United States every year since, either by deportation or by voluntary departure, in larger numbers than those coming in. This Executive order, however, should be written into permanent law.

In the meantime, however, very little, if any, progress has been made in the solution of our deportation problem, and it was with the hope of meeting this situation, at least partially, that this measure was introduced.

While the bill before us does not meet the demands and aspirations of all of us who are interested in this difficult problem, in my opinion, it is an important step in the right direction.

I want to congratulate the author of the bill, the distinguished gentleman from Texas [Mr. DIES], for the splendid work he has done on this measure, and the energy, ingenuity, and resourcefulness which he has displayed in bringing the bill to the floor today.

Mr. Speaker, I had hoped the bill would contain a provision for registering all aliens now within our borders. We know just how many are here legally, but we have no record or knowledge of those who entered otherwise. According to the Federal Census of 1930, we had approximately 6,000,000 aliens in the United States, but since that date we are advised that about one-third of that number have become naturalized, so that today we have approximately 4,000,000 aliens still within our borders who have not seen fit to become American citizens. Of course, this does not take into account those who are here in violation of our immigration laws, and that number has been estimated at from 600,000 to a million. These aliens are enjoying jobs which rightfully belong to unemployed American citizens. [Applause.] They are aggravating our tremendous relief burden. They are congesting our penal and eleemosynary institutions at the expense of the already overburdened American taxpayers.

Mr. Speaker, no other country in the world save the United States would maintain aliens on its relief rolls or maintain them in its penal and charitable institutions. No other country would give employment to aliens when its own citizens who are just as able and efficient stand idle. We are in the habit of proudly proclaiming the slogan, "America for Americans", and at the same time our own Government itself, to say nothing of private industry, is persistently employing aliens when American citizens are unemployed and their families destitute and hungry. It is a sad commentary, Mr. Speaker, and is not only indefensible but downright un-American.

While I deprecate the idea of enforced citizenship, however, I think that these aliens who are here enjoying the protection of our Government and the opportunities afforded by resi-

dence under our flag ought to be willing to assume the burdens, the obligations, and responsibilities of citizenship. I would like to see written into this bill a provision, with real teeth in it, requiring these aliens, after having been here a reasonable length of time, to take the necessary steps to become American citizens, subject to prompt deportation. To have large groups of people who are not citizens and who manifest no interest or intention of becoming such, and who owe allegiance to some foreign nation, and who at the same time claim and receive the protection of our Government, is manifestly an unwholesome and dangerous situation.

There has been a great deal of press propaganda about the so-called hardship cases. I concede that there are many such cases and they appeal very strongly to my sense of sympathy. I think that consideration should be extended to those aliens who have come into the United States in some irregular manner and who have been here 10 years or more, who have married here and who have had children here, and who have walked uprightly during their residence in this country; and, as I interpret this bill, ample provision for such consideration is provided by its terms. The difficulty has been that a great many of us have lost faith in those charged with the administration of our deportation laws. It is the candid belief of some of us that those charged with the administration of these laws are not in genuine sympathy with their execution; and this opinion has its foundation in the fact that some 3,000 deportation cases have been allowed to accumulate, a large majority of which have little or no merit whatever. Of course, some of them are meritorious and have been so recognized and adjudged by the Congress. In making this observation I mean no reflection on the Acting Immigration Commissioner, because I entertain a high personal regard for him and I have absolute confidence in his integrity. I consider Mr. Shaughnessy an honorable and conscientious public official; but, of course, he must undertake in good faith to carry out the policy of his superiors, else he would not remain in the Department for a great length of time. If this bill is enacted into law and the law vigorously enforced, in my opinion, this so-called hardship situation can be entirely cleaned up and eliminated within the next 2 or 3 years.

Not only in the interest of the Nation but the alien as well, these hardship cases should be disposed of with the greatest possible dispatch and thereby put an end to this unsavory agitation.

The enactment of this legislation and its rigid enforcement will rid our country of the alien criminal. It will deport the alien gangster and racketeer who have gathered here in large numbers, and whose depredations have brought shame and disgrace to our Nation. It deports aliens who have been convicted of violating any narcotic law of any State, Territory, peninsular possession, or the District of Columbia, in the same manner as they are subject to deportation now for violating the Federal narcotic statute. It deports the alien who has been found guilty of carrying firearms, even if the alien was not sentenced to imprisonment. It deports the alien who is found guilty of aiding or abetting illegal entries into the United States.

While, as I stated in the outset, this bill does not fully satisfy all of us interested in this vital subject, in my judgment, it is a very important step in the right direction.

In conclusion, Mr. Speaker, I desire to say that my interest in this legislation is not due to any alien problem in the district I have the honor to represent. The people of my district are almost 100 percent native stock of Anglo-Saxon origin. I doubt if 5 percent of the people of my district were born abroad, and of that 5 percent, not 1 percent has remained alien. It has been characteristic of the people who were born abroad and came to east Tennessee that they instinctively seize the first opportunity to become American citizens; and, as a general rule, they have made exemplary ideal citizens, and as such have been a valuable contribution to our communities. Therefore, Mr. Speaker, my zeal for this legislation is not inspired or influenced by any local

condition but purely on account of my interest in the subject as a national problem and a national emergency. [Applause.]

Mr. DICKSTEIN. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman from New York.

Mr. DICKSTEIN. The gentleman talked about aliens on relief. The people who will be affected by this legislation are not on relief and they have been here some years, and they have on the average from two to five children born in the United States. Is that correct?

Mr. TAYLOR of Tennessee. That is correct.

Mr. DICKSTEIN. At the same time it will deport more than 20,000 alien racketeers throughout the country who have no place in the country.

Mr. TAYLOR of Tennessee. That is my understanding.

Mr. STARNES. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman from Alabama.

Mr. STARNES. Did not Colonel MacCormack, testifying before the Committee on Naturalization and Immigration of the House in 1935, under the terms of a resolution, state of the hardship cases held up at that time a certain percent of them were on relief, and he gave the percentage?

Mr. TAYLOR of Tennessee. I do not recall the matter mentioned in the report referred to by the gentleman.

Mr. STARNES. I will insert in the RECORD the number he stated were on the relief rolls at that time.

Mr. TAYLOR of Tennessee. It is a national scandal that we have so many aliens in this country on relief today.

Mr. STARNES. He said out of 2,800 there were 480, or 17 percent, who were public charges and on relief.

Mr. TAYLOR of Tennessee. They should have been deported promptly.

Mr. DICKSTEIN. Did he not say if we are going to deport heads of families, we would have 8,000 American women and children born here on relief?

Mr. CRAWFORD. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman from Michigan.

Mr. CRAWFORD. With reference to the 20,000 referred to by the chairman of the Immigration Committee, are they located so the Department knows where to put their finger on them and they may be deported if this bill becomes law?

Mr. TAYLOR of Tennessee. I think so. I understand he has been advised to that effect.

Mr. TABER. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman from New York.

Mr. TABER. Under the present laws they cannot be deported?

Mr. TAYLOR of Tennessee. I understand they cannot, but they certainly should be.

Mr. Speaker, I yield 9 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, it is rather unfortunate that this matter has come for consideration at this time. It was supposed to have been taken up last Tuesday, but it was put over until today. The reason I say it is unfortunate that this matter is being considered today is because there is now pending before the Committee on Immigration a series of bills that, if considered adequately and extensively, and if they could have been brought out upon the floor of the House for final consideration, would have enabled us to have a real, modern, up-to-date deportation bill. Just why some members of the Immigration Committee are pushing the Dies bill forward with one hand and lending encouragement to Mr. STARNES for his bill is hard to understand.

This bill, as the author apologized for it, is more or less of a compromise. The bill, as the distinguished gentleman from Tennessee told you, is a bill that is only a step in the right direction. I agree with him absolutely. Since this bill is brought out on the floor for consideration today, we ought to take the best there is in it and we ought to take out the bad things and insert matter that we believe is better. That will

be my purpose in the discussion of the bill, and I will try to do that if I can.

Mr. Speaker, there are two bills before the House. One is known as the Dies bill and the other is known as the Starnes bill. Both of these gentlemen are very distinguished Democrats and both of them are keen students of this question of immigration. However, their bills differ very materially. If you will pardon a personal allusion, I have tried to formulate in my studies of the question, with the help of some of the best students on immigration in the United States, a program which would bring together the finest provisions contained in both of these bills.

Let us take the Dies bill first and refer to the first section of the Dies bill. Down to line 10 the Dies bill and Starnes bill are exactly alike. Permit me to read the first three or four words in the first provision of the Dies bill. Here is what it says, after providing who shall be deported. It says:

Has been convicted in the United States within 5 years of the institution of deportation proceedings against him.

It does not provide anything with reference to those who have already been convicted, those fellows who are already here. That should be corrected. That is plain. We should correct that provision. Some of you good Democrats who have the voting power ought to make the motion to correct that. If you do, I will support it. I would like to have you on that side correct it, because you have the voting strength and you will, of course, want to do that which is right.

Let us go over to the next page. On page 2 there is a provision with reference to the crime of possessing or carrying any firearm. Let us take a gunman when he has a gun on him. That is the time to take him, when you know who he is.

Let us take him then. What is the use of talking about 5 years? We ought to take him out then. Some of you should introduce such an amendment. If you must require 5 years' limitation, why have the provision at all?

Now let us go to part 3. I have no objection to part 3, because the bills of the gentleman from Texas [Mr. DIES] and the gentleman from Alabama [Mr. STARNES] agree exactly regarding part 3.

Let us now take part 4. I can point out to you something in part 4 which I think you will agree ought to be changed. Here is the phrase, "knowingly and for gain encouraged, induced, assisted, or aided anyone to enter the United States in violation of law." We are talking now about sending out an alien who encourages someone to enter the country unlawfully when he himself is probably unlawfully here. I say the words "for gain" should be stricken out of the paragraph. Why? Because most of these people who are guilty of bootlegging immigrants into the country are effecting the entry of their own relatives, who are not going to receive any gain for it. Under this provision all an alien would have to do to defeat this provision is to say, "Why, certainly, I helped my brother and I helped my sister come in, and I helped all my other people come in, but I never got anything out of it." Therefore, what is the use of saying "for gain"? Let us strike that phrase out of the paragraph. When this is done I am sure the provision will be much more acceptable.

Let us go next to section 2. I have an amendment to strike out all of section 2. By that I do not mean to take out everything in section 2, because much of section 2 is worthy of our consideration, but there is one provision in it that should claim your closest attention. It is the section that gives the discretion to the Secretary of Labor which so many of the patriotic organizations of the country have been opposing.

The gentleman from Texas [Mr. DIES] made reference to the Kerr-Coolidge bill. You know the Kerr-Coolidge bill was a very unpopular bill. It was so unpopular its proponents never had courage enough to bring it on the floor for a vote. It never was brought up here for a vote because it contained a provision which was looked upon with much disfavor by the people of the Nation. The bill surrendered the power of Congress to the Secretary of Labor, and gave the Secretary of Labor great discretion, so much

so, as the gentleman from Texas stated in the opening of his remarks, that he did not favor it then, and most of you did not favor it. I mean by that you did not favor it in your own sentiments, for, of course, as I have heretofore stated, you did not have a chance to vote on the bill.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKINS of Ohio. If you please, not now; in just a minute.

Line 20 and following reads that the Secretary of Labor shall have the right to deport up to 3,500 persons in the first year and 1,500 in the next year and each year thereafter. Do you know how many people have been coming into this country under the quotas in the last 6 years? Only 16,000 a year. Are you going to give this woman—Miss Perkins—authority to pass upon whether nearly one-third of that number shall be deported? If you do this you have no right in good conscience to stand up before an American audience and profess your interest in safeguarding the power of Congress.

What we want to do, what we ought to do, and the right thing to do is to do something with reference to the alien of good character who may have a wife or children in this country who are American citizens. I have steadfastly stood on the floor of this House and have maintained my opposition to the tearing down of the immigration bars, and I am opposed to the surrender of this power. We should be careful, pending the time when we can find some formula by which the problem can be worked out. The gentleman from Texas [Mr. DIES] stated he had been in favor of having these hardship cases come up as separate private bills. I never was in favor of that. I thought I knew exactly what would happen, and as the gentleman has told you, you saw what happened. We tried to consider 15 of these bills the other day, and I think we considered 4, and all of them were sent back to the committee. We must have some plan for handling the aliens who have wives and children here.

The bill of the gentleman from Texas [Mr. DIES] provides that any man who has lived in this country for 10 years would be subject to this woman's clemency. I maintain that requirement is not sufficient. That man should have something besides his stay in this country for 10 years to recommend him. If he has been an alien 10 years and has not obtained citizenship, that is greatly to his discredit, it would seem. But this bill says, in effect, to an alien, "If you can buy, steal, or forge your way to the United States and stay here 10 years all you have to do is to hunt up Mme. Perkins, and she will grant you full immunity." Any man who has been in this country 10 years and has made no effort to become a citizen ought not to have any consideration shown him.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield now for a question?

Mr. JENKINS of Ohio. Let me proceed for just a minute and explain what I think should be done regarding this problem. I would humbly suggest to some of you good Democrats that you offer an amendment, if you think this measure should be changed in this respect.

Let us take the next section, reading as follows:

has lived continuously in the United States for at least 1 year, and has living in the United States a parent, a spouse, legally recognized child.

The gentleman from Texas refers in his bill to an adopted child.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield now for a brief question?

Mr. JENKINS of Ohio. I yield to my friend from Ohio.

Mr. FLETCHER. A moment ago the gentleman referred to eliminating the words "for gain" from the bill. Does not the gentleman believe there are people who are paid for helping to bootleg these aliens into this country?

Mr. JENKINS of Ohio. Yes; but this would include them, too. This would include anybody, whether his action was for gain or not for gain. It would include everybody. I think the gentleman will see that he and I agree absolutely.

I think this is what should be in the bill. A study on your part will, I think, convince you of the merits of the proposition. Why not put into the bill a provision something to this effect: That no alien will be considered to be in the class that we consider "hardship cases" unless he has been a resident of the United States for 5 years and has not been guilty of these heinous offenses set forth in the exceptions, and has a wife or child who is an American citizen.

If such a child is born in the United States of America, he is a citizen and should receive consideration; and if such a man has a child or has a wife that is an American citizen, then we should say that we will give him consideration only when he can show that he has been a resident for 5 years and is not a person included in the exceptions provided in the bill. We should consider carefully one thing here, and that is the fact that American citizenship means something. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES. Mr. Speaker, this bill comes up under most unusual conditions and is an unusual bill in many respects.

The original bill offered by my good friend and colleague the gentleman from Texas [Mr. DIES], H. R. 5573, was probably unobjectionable to practically 90 percent of the membership of this House, but the bill which we are today considering, H. R. 6391, sounds a retreat from the principles set out in H. R. 5573, and all I ask the membership of this House to do is to obtain a copy of the bill introduced by the gentleman from Texas [Mr. DIES] on March 12, numbered 5573, read that bill, and then compare it with H. R. 6391, which was introduced on April 14 and was written by someone else; no hearings were held and the full committee did not act. Then let your conscience be your guide in voting on amendments to this bill, H. R. 6391, Mr. Speaker, which will make it less objectionable than it is at the present time.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. STARNES. I have only 5 minutes, and, while I am very sorry, I cannot yield.

I want to make this statement to you. If you adopt H. R. 6391 in toto, without amendment, and without striking out the objectionable features in it, you are sounding a retreat from restrictive and selective immigration into the United States of America. You are surrendering to the ceaseless hounding brought upon us by alien groups in this country to loosen the bars and to open the gates and let the flood tide in, and you are going to reward violators of immigration laws and violators of basic laws of the countries from which some of these aliens come, as well as of this country. You are going to reward such violations by conferring upon them the right of American citizenship. You can do this if you want to, but I want you to know that the record shall set out the full facts.

Mr. KRAMER. Mr. Speaker, will the gentleman yield?

Mr. STARNES. I may say to the Members of the House that I am not opposed to immigration into this country, and I am not opposed to giving relief in genuine hardship cases. I am opposed to the separation of families where there is genuine hardship, but I want to tell you that some of the cases involved here do not require a separation from father or mother in this country. Some of the cases in which the Department of Labor has suspended deportation for a period of 4 years, even though the law provides they must be deported, involve no family separation so far as father and mother are concerned, but simply involve separations among aliens who came to this country and in some instances all of them entered here illegally. It involves, Mr. Speaker, the retention in this country of men and women who came here suffering with syphilis, gonorrhea, insanity, or tubercu-

losis, and I will set out the names and the case records that are on file down there now. It involves the granting of the privilege of American citizenship to men and women convicted of perjury and other crimes involving moral turpitude; and I think there should be more time given for debate on this subject, and those of us who have studied this question and have definite views about it should have an opportunity to inform the membership of the House before they vote on this bill.

Mr. KRAMER. Mr. Speaker, will the gentleman yield?

Mr. STARNES. I have not the time and cannot yield.

I may say, Mr. Speaker, with respect to the late Colonel MacCormack, a very able administrator, although I differed from his views and his philosophy with regard to the immigration problem, he was an able man; and when he offered me the dubious honor of sponsoring a bill of this sort last year in the closing hours of the Congress, he said that if he could once establish the principle of granting discretionary power to the Secretary of Labor on these cases, that, though only eight or nine thousand cases would be involved, the law could be amended so as to extend the time for handling such cases in the future, and, in his judgment, from 150,000 to 200,000 cases eventually would be cared for under the provisions of such an act.

I think this bill ought to be amended radically or defeated. [Applause.]

Mr. DIES. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5779) entitled "An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to Senate amendments numbered 4, 12, 28, 41, 49, 51, 56, 58, 63, 77, 79, 83, and 88 to the foregoing bill.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S. J. Res. 155. Joint resolution to create a Joint Congressional Committee on Tax Evasion and Avoidance.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 790) entitled "An act to repeal section 13 of the act entitled 'An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes', approved February 22, 1935."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 114) entitled "An act to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. POPE, Mr. HATCH, Mr. ADAMS, Mr. McCARRAN, and Mr. TOWNSEND to be the conferees on the part of the Senate.

DEPORTATION OF CRIMINALS AND CERTAIN OTHER ALIENS

Mr. DICKSTEIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R.

6391) to authorize the prompt deportation of criminals and certain other aliens, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6391, with Mr. UMSTEAD in the chair.

The Clerk read the title of the bill.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. DICKSTEIN] is recognized for 1 hour and the gentleman from Tennessee [Mr. TAYLOR] is recognized for 1 hour.

Mr. DICKSTEIN. Mr. Chairman, I yield myself 5 minutes, and ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Chairman, this is the same demonstration we get every time an immigration bill is brought up—either a roll call, or the charge that we are going to do something wrong to this country. Every time they want us to do something for the poor immigrant who has not committed any crime, when we bring the matter up, it is wrong, and there is the cry for deportation; and when we bring that up then there is the cry that it is too strict. It is the same story—the old difference between tweedledum and tweedledee. You do not know where you are or where you stand.

What is all this noise about? I know that if I brought a bill here for the relief of one single alien there would be objections to it. I do not think that I could get a unanimous-consent request to relieve one decent alien in this country. There is always some hidden influence that brings about a fight in some spot in this Chamber. What does this bill do? Under this bill we are going to deport about 20,000 criminal racketeers. If you vote against this bill, you would give the criminal element a license to stay here, while at the same time you would separate thousands of noncriminal aliens from their American wives and American-born children. If you vote for the bill you are going to save some 8,000 wives and American children who have committed no wrong, who have committed no crime. What do you want to do? Do you want to shoot these people? Very well, take them out and shoot them, and do it openly, even though they are here in this country. What is the use of pussyfooting? I am not in favor wholeheartedly of this bill, the bill does not go far enough, but we have to accept some compromise and we must stop using the matter as a political football.

I say to you that this bill has nothing to do with immigration. It does not bring anybody in. It is to clear up our internal troubles in this country. In every section and district in the United States we see some man and woman with four or five children whose record of entry we cannot find. That is the type that you will deport; while the criminal, the man who commits a crime, you do not touch. The criminals are too smart for all of us. They never convict themselves of a felony; they always convict themselves of a misdemeanor; and we have cases of criminals who have committed as many as 15 or 20 crimes, who have pleaded to misdemeanors, whom under the present law you cannot deport; but the little fellow that crossed the border 10 years ago without paying an \$8 head tax, the man who is married to your sister or to mine, honestly married, who has brought up a decent family, under this law will be deported. In June of this year these people have got to be deported. This is the last stand in behalf of the innocent people; and I beg of you, I beg of you gentlemen of the Congress, stop these roll calls, stop this filibuster, and all of these points of order and amendments. I see what is in the mind of my distinguished friend from Ohio [Mr. JENKINS]. He served notice upon you that he wants you to take the cream off the top of the can, deportation, and

forget about the rest of the bill. We have cases in his district and in your district and in all of the districts. Why not extend the hand of mercy to 8,000 citizens who have committed no crime, no wrong? How long are we going to kick this proposition about? We have been playing football here with it now for 6 years. For 6 years these people have been on the edge of deportation. I appeal to you, ladies and gentlemen, in the name of American justice, pass this bill and give these people a happy home, give them peace of mind, let them stay here and become respectable citizens, and let these children keep their fathers, who would be deported if you reject the second section of this bill.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I sometimes despair that the Congress will carry out the wishes of the people back home. If there is one thing that the people in this country want done it is for the Congress to enact a drastic deportation law, to deport alien Communists, Fascists, and Nazis, and other alien and revolutionary agitators back to their native lands. There is not a word in this bill about it. Who wrote this bill? Who is the author of it? I am not a member of the committee, but one member of the committee said that Mr. DIES did not write this bill. If he did not write it, then who did write it; where did it come from?

Mr. DIES. If the gentleman will yield, I shall answer him.

Mr. FISH. I yield.

Mr. DIES. The bill contains word for word many of the provisions of my original bill. It is a contribution from the labor organizations, from different factions, different groups, gotten up in the hope that we could find some common meeting ground.

Mr. FISH. Did this come from the Department of Labor?

Mr. DIES. No; it was not written by the Department of Labor.

Mr. FISH. Where did it come from?

Mr. DIES. I have just told you.

Mr. FISH. A member of the gentleman's committee said it came from some individual.

Mr. DIES. I comes from different groups of people.

Mr. FISH. It is quite different from the bill the gentleman introduced in the first instance.

Mr. DIES. I heartily approve.

Mr. FISH. A great patriotic organization interested in this kind of legislation, the Coalition, is against the Dies bill as now written. They have made a thorough study of it and have submitted a report against many of its provisions.

Mr. STARNES. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. STARNES. That same organization testified in favor of the original Dies bill?

Mr. FISH. Certainly. They went on record all over the country for the original Dies bill. I came here today expecting to support this bill, but as I read it over and then read what the Coalition had to say about it, I feel it should be amended in many particulars. I know they are a non-partisan organization and an American organization and have no ax to grind except the general welfare of the United States. The reason I took this time today was simply to plead with this House to legislate, to function as a legislative body, to write legislation yourself. There is much that is good in this bill. There is much that is rotten in it. All you have to do to make a reasonable bill is to legislate yourselves. Accept the amendments that are good and vote down the ones that are bad.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. MAY. I wonder if the gentleman agrees with me that under section 2 of this bill and the loopholes that may be found in it, it is going to be possible for the Secretary of Labor, Miss Perkins, to nullify all of the mandatory provisions in section 1?

Mr. FISH. I do not know whether I go that far, but I believe section 1, as explained by the gentleman from Ohio,

should be amended. I do not want to take the time to explain it again. I substantiate everything the gentleman from Ohio said about the different sections of the bill. Some are good and some are bad, but I do not know as I go as far as the gentleman from Kentucky that section 2 destroys the bill. I do not, however, believe in delegating our constitutional power to Miss Perkins, the Secretary of Labor.

Mr. MAY. I do not know whether I go that far myself or not, but I wanted to get the gentleman's idea.

Mr. FISH. It is intimated that this bill has the blessings of Mme. Perkins and the Department of Labor. If that is so, it certainly does not help the bill as far as I am concerned. [Applause.] I recollect that one of the reasons given when we recognized Soviet Russia was the fact that then we could deport back to that country some of these alien Communists. What does the record disclose? It discloses that Mme. Perkins had not deported, in the 4 years she has been in office as head of the Department of Labor, one single alien Communist back to Soviet Russia. Naturally I do not have any great confidence in any legislation that she recommends for the deportation of aliens. When I find that a nonpartisan patriotic organization, such as the Coalition, is emphatically against this bill, then I say, "stop, look, and listen." Then I say to the Democrats now in control of legislation, because I should like to vote for this bill, let us amend it and not delegate away our authority to Miss Perkins. Let us take up the amendments that are presented and discuss them and adopt the good ones. I will say to the House that this is the first deportation bill that has come up in Congress in the last 15 years. There is no issue in America that the people are more interested in, I do not care whether they are Democrats or Republicans, whether they come from Tennessee or New York. The people in America are interested in deporting these alien criminals and alien agitators, and we ought to legislate here and present a workable bill to carry out the wishes of the American people back home to deport alien agitators and alien gangsters.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. DICKSTEIN. Is the gentleman in sympathy with granting some relief to these hardship cases that are non-criminal cases which we have before this Congress today?

Mr. FISH. Oh, I do not object to that. What I do object to is the fact that this bill is not a comprehensive deportation bill. It is an amnesty bill more than a deportation bill. I do not mind amnesty for worthy cases where there has been real hardship; but when you grant amnesty, let us likewise write a bill to deport alien agitators and revolutionists who seek to destroy our free institutions and republican form of government and give their jobs to loyal American citizens who believe in our American system.

Mr. DICKSTEIN. I want to assure the gentleman that this provision in the Dies bill with regard to deportation is more constructive than any bill that has been presented by any Member of Congress in the last 10 years.

Mr. FISH. I do not agree with the gentleman. I am not objecting to the amnesty part, but I object to turning over our power to the Department of Labor and Mme. Perkins, and we cannot expect any effective action from her on her past record.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman 1 additional minute for the purpose of asking a question.

Mr. FISH. I yield to the gentleman.

Mr. TAYLOR of Tennessee. I understand the gentleman admits there are parts of this bill that are meritorious?

Mr. FISH. Highly meritorious.

Mr. TAYLOR of Tennessee. And there are probably parts that are objectionable and should be stricken from the bill?

Mr. FISH. Exactly.

Mr. TAYLOR of Tennessee. I intimated in my remarks that I did not consider the bill perfect. Why not today set

up a perfect bill, because this is perhaps the last chance we will have to pass a deportation bill at this session of Congress?

That is the only reason I took the floor today, to appeal to all Members, Republicans and Democrats alike, to put aside their partisanship and to legislate and to use their own judgment to perfect this bill, no matter where the amendments come from, whether they come from Democrats or Republicans. If we do this then we shall be exercising our legislative functions and carrying out the wishes of the American people.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Ford].

Mr. FORD of California. Mr. Chairman, the present law under which immigration matters are handled in the United States is, in my judgment, farcical, tragic, and a monstrosity. I say this for the reason that it permits a great Nation like the United States to divide a family, send one member, perhaps the mother, to Canada, the father to Europe, and it might possibly permit the sending of the children to South America. If an intelligent body like the Congress of the United States is willing to permit such a law to remain on the statute books without any attempt to mitigate it, then that body is not exercising intelligent legislative functions.

The subject under discussion, we will all admit, is a very complicated one. Its implications, its ramifications, and its repercussions are many, wide, and varied. They embrace the delicate and important fields of economics, of international comity, and of human relations. For this reason, Mr. Chairman, the bill should be considered very carefully, very fully, and very prayerfully. There are provisions in this bill that to some will appear to harsh; there are other provisions that will appear too lenient. This is natural, as every Member will judge the measure in the light of his or her experience, and say that it is just or unjust, according to his or her lights. But here is what we are trying to do in this great Nation dealing with other peoples and other lands: These people come to our shores. For what purpose? For the very natural and humane impulse of bettering their own economic and social condition. For a great many years we have had the bars down.

The thing about this bill that I like is that it does away with that awful provision that will, if it goes into effect, eliminate the possibility of dividing families. Many of those children are American citizens. Maybe the father or the mother came in here under conditions that were not altogether legal. They are not criminals. The only crime they have committed is that of trying to better their conditions by coming to these hospitable shores. For over 100 years we have held out our hands to the people of Europe and other nations asking them to come and enjoy the freedom which the United States is supposed to accord to those who come under the sheltering folds of its flag.

I can conceive of no more cruel procedure than that, and this bill is entitled to support for this provision alone.

But the bill has many other distinct advantages over existing law, as pointed out by the distinguished author of the bill, Mr. DIES, of Texas, who has labored long and wrought intelligently in the working out of the many sane and humane provisions of this bill.

For these reasons I am giving to this bill my unqualified support.

Recently some plupatriotic organizations—and I say this advisedly—have been agitating this question. They would turn out everybody who was not born in America. This is not in accord with democracy; this is not in accord with the philosophy on which this Nation was founded, nor is it in accord with the philosophy of the American people. It is insane, unsafe, and un-Christian from the standpoint of social procedure. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 12 minutes to the gentleman from Kentucky [Mr. Robsion].

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues, we have before us today what I regard as one of the most important matters that could come before the House, H. R. 6391, a bill introduced by Mr. DIES, to authorize the deportation of criminal aliens and certain other aliens, and for other purposes. It is claimed by the chairman of the Committee on Immigration and by the author of this bill, Mr. DIES, that it would mean the deportation of approximately 23,000 criminal aliens. This proposal is most desirable, indeed. I do and will give such provisions in this bill my hearty support. It is claimed that this is a compromise bill. I am afraid that in order to report the bill there has been too much compromise, and I shall favor some amendments to be offered by my colleagues—Mr. STARNES, of Alabama, Mr. JENKINS of Ohio, Mr. FISH, of New York, and others. These amendments, in my opinion, will greatly strengthen this bill and the adoption of these amendments is strongly urged by a great many of the patriotic organizations of our country.

For instance, I do not think we should limit the deportation of criminal aliens to those who have been convicted within 5 years before deportation proceedings are instituted. We have many thousands of aliens who have been convicted in the courts of the United States for kidnaping, murder, robbery, rape, and other infamous crimes more than 5 years ago, and they should have been deported. Many of these are now in prison, and when their terms expire they should be promptly deported. I am afraid that this bill would prevent their deportation.

Subsection 4 of section 1 provides that an alien can be deported who knowingly and for gain encourages, induces, assists, or aids another alien to enter the United States in violation of the law. It seems to me the words "for gain" should be eliminated. It might be an easy matter to prove that one alien aided another alien to enter the United States illegally, but it would be a difficult matter to prove what gain, pay, or reward the alien received for this service.

Section 2 as a whole should be stricken out and perfecting amendments should be offered, and, I understand, will be offered. I am unwilling to give the Secretary of Labor the wide discretion of permitting aliens who, under the law, should be deported to remain in this country. Congress should lay down the rules governing the deportation of aliens. It is up to Congress to fix the deportation policies of this country, and it is the duty of the Department of Labor to carry out the policies and the laws passed by Congress on this matter. This is especially true at this time, because it is generally agreed that the present Secretary of Labor is not in harmony with the attitude of Congress and the American people on the question of deportation of criminal aliens. Several thousands of aliens have been apprehended and are subject to deportation, and the Secretary of Labor has held up these deportations for 1 or more years, and unless section 2 is stricken out or modified it will enable the Secretary of Labor to keep these aliens in this country.

ALIEN INFLUENCES

During my several years of service in the House and Senate, I have found that it is always a difficult matter to pass laws to restrict immigration and deport aliens. The influence of aliens and their friends in this country is powerful. I remember as a Member of the House after the World War in 1921, when the wealth and wonderful opportunities in our country had become known throughout the earth, millions of people from various countries were preparing to come to America. Our Government had confidential advices from one country that more than 10,000,000 people were preparing to come to America. Congress in 1921, in order to protect our country, passed the first real restrictive and selective immigration law. In 1924 we greatly strengthened that act and practically cut out foreign immigration. That act is called the second Declaration of American Independence. Nearly all of the foreign nations took an active hand to prevent the passage of the immigration acts of 1921 and 1924. On the day that we voted in the House on the act of 1924 the ambassador of a certain great nation had the report circulated that if the Congress

voted to pass that bill, it meant war between the United States and that particular country. However, we passed it. We stopped foreign immigration to a large extent. We made it most restrictive and selective. Our country is so attractive in comparison to many other countries that millions of people have been and are still seeking homes in America. Because of the 10,000 or more miles of border and shore lines of this country more people have entered in violation of our immigration laws than many of us have any idea. It has been asserted by those who claim to know that in the last 10 years more than 500,000 foreign sailors have deserted their ships in American ports and remained in our country. They are here in violation of our laws. Hordes of aliens are coming into the United States over the Mexican and Canadian borders. Other hordes are coming in by motorboats and airplanes from other lands and from adjacent countries, landing at unguarded points on the Atlantic and Pacific Oceans, the Great Lakes, and the Gulf of Mexico. Our borders are not properly patrolled, and it has been asserted time and again by those who ought to know on the floor of the House and Senate, and elsewhere, that we now have in this country 3,500,000 aliens who came into this country illegally. They violated our laws and each and every one of them under the law is subject to deportation unless some provision of this bill should prevent it. It is also admitted that there are now 4,000,000 other aliens who came into this country legally. No one knows how many aliens are here who came in violation of our laws and the Government should take steps to ascertain the number.

All aliens should be required to register. I have no prejudice in my heart or mind toward the people of other countries of the world. We have a great many wonderful people who came to us from every nation and every section of the globe. They have shown their appreciation by becoming American citizens, and thousands of them have offered their lives and many of them have given their lives in the defense of this country. For all of these I have the highest respect.

I wish that it were possible for every man, woman, and child living on this globe to have a country like yours and mine, but this is impossible. If we should permit all the people who desire to enter the United States, it would fill the country up. They would benefit very little and at the same time destroy our own country. Holy Writ says:

He that provideth not first for his own house hath denied the faith and is worse than an infidel.

Under our oath of office it is our duty to provide first for the household of America, and so long as I remain a Member of the American Congress, I shall consider it my duty, as well as my privilege, to raise my voice and cast my vote in favor of those measures that will provide for and protect the household of America.

On this matter of deportation Congress has failed to meet the issue squarely. The Congress is not in possession of facts sufficient to pass the sort of bill that should be passed, and the Department of Labor, even though it were sympathetic with our deportation laws, is not in possession of sufficient facts to act intelligently and fairly. We will never be in a position to act as we should until Congress passes an act requiring all aliens to register as provided in a number of bills that are now before Congress, but because of certain influences have not been acted upon by the committees and reported to the House and Senate. The Starnes bill introduced in the House and the Reynolds bill introduced in the Senate provide for such registration. Let us find out how many aliens we have in this country, from whence they came, when they came in, and if they were admitted legally or slipped in in violation of our laws, and then let us have the courage, excepting for some special hardship cases, to deport those who came in defiance of our laws. When such registration is held and an investigation is made, it will be found that many of the worst gangsters and criminals of some of the other countries have slipped into the United States.

I know it is urged that some of these aliens have come here and married. That is part of the game that is being

played. They come to the United States in violation of the law, and in order to create sympathy they set about to marry some American girl and then plead the sympathy act. I realize that there are some meritorious and real hardship cases, but we shall also find that many of these foreign aliens come here and go through some sort of marriage and attempt to use that to create sympathy to save them from deportation. Then there is another group who always urges us to unite families, but this group wants to do all of the uniting in the United States. The fact is we did not divide the families. They did the dividing. It is just as near to go back to Japan, China, Italy, Germany, or to some other country as it is to bring the folks from those countries to the United States. As a general rule I would say, let these folks unite over there and not over here. It is a mockery to pass the Immigration Acts of 1921 and 1924 practically to exclude foreign immigration of honest, industrious, and law-abiding people, and then to permit all classes of criminals to slip into this country in violation of our laws. Let us repeal our immigration laws or amend them so that only honest, law-abiding, industrious people can come in, and deport criminals and others who defy our laws.

Of course, this does not include persons who have come to this country and become American citizens. Such persons have all the rights of the native-born citizen, except that they cannot become President of the United States. We have a number of very capable men in both the House and Senate who were born in foreign lands, but years ago became American citizens. It is urged that it would be oppressive to require aliens to register. The truth is these aliens in nearly all of the countries from which they came must register in their own country if they go from one city to another, and certainly must register when they go from one country to another. In the District of Columbia and in practically every State of the Union, so far as I know, we require all of our American citizens to have an automobile driver's license which they must carry with them when driving, and if caught without it they are punished; and if an American citizen goes from one State to another he must take out a new driver's license.

CITIZEN OR ALIEN

In listening to some of the speeches made on the floor of the House today and to other speeches I have heard in the House and Senate on other occasions when immigration and deportation bills were being discussed, these speakers make the alien not only equal to but claim for him superior rights over the citizen. When an American citizen commits a felony we do not hesitate to indict him, convict him, hang him, electrocute him, or send him to the penitentiary, even though he is married and has children. We divide families among our citizens for violating the laws of this country. The alien who slips into this country and commits a felony—why should he not, as a general rule, likewise be required to take the consequences of his unlawful act? This Nation has a right to say what alien or aliens may or may not come into this country. We make the selection. We may exclude them entirely. Hauptmann, who was electrocuted for the kidnaping and murder of the Lindbergh baby, was one of those aliens who slipped into the country. He was a criminal and had a criminal record in Germany. If we had had an alien registration law and enforced it, Hauptmann, no doubt, would have been discovered and deported. We did not know he had slipped into our country until he committed this crime. There are thousands and thousands of Hauptmanns in this country. Let us find out who they are, where they are, where they come from, and their records, and when a law of this kind is enforced there will be less racketeering, less gangsters, and less disorder, also less assaults on American institutions. The citizens of every country of the world have preference over aliens, except in the United States.

JOBS AND RELIEF

Every alien who has been admitted to this country legally comes here with the understanding that he will not become a public charge on the American people. Any alien who be-

comes a public charge violates the agreements under which he entered and is subject to deportation. We have hundreds of thousands of aliens being supported and cared for at the expense of the taxpayers of this country in hospitals and other eleemosynary institutions. We have somewhere between 2,000,000 and 4,000,000 aliens recipients of relief in some form or other from the Federal, State, or local governments. We have some two to four million aliens who are employed by private industry or by the United States Government and being supported at the expense of the taxpayers of this Nation. They are enjoying all of the privileges of our American citizens. Recently President Green, of the American Federation of Labor, announced that we had 10,000,000 workers unemployed in this country. Harry Hopkins, the Relief Administrator, stated that we had approximately 7,000,000 unemployed and this unemployment problem was permanent. A Democratic Member of the House the other day read a list of aliens who had good jobs in Washington and elsewhere with good salaries under the Federal Government. France, England, Italy, Germany, and other countries have laws giving preference of employment to the citizens of their country. An American worker, however skilled, cannot secure employment in those countries if there is a citizen of that country who desires and can do the work. American citizens are not accepted and cared for on relief in foreign countries. They are promptly sent home. Ours is the only country on earth that gives the alien the same opportunities for work and the same relief as American citizens. No other country on earth tolerates any such condition as we have. I am in favor of the Starnes bill to send those on relief back to their own countries. These nations whose citizens we are caring for are spending this year \$14,000,000,000 to increase their armies and navies to threaten the peace of the world and the peace of our own country, forcing us to spend this year more than \$1,000,000,000 for the support of our Army and Navy. Do you not think that it would be fair and just to send these needy people back to their own countries and let their government spend their money providing for these citizens instead of armies and navies to destroy the people there and to destroy us, if possible.

THERE IS A DIFFERENCE

During the World War, it was claimed that there were 1,000,000 able-bodied young men from alien countries living in the United States within the draft age who did not enter our Army or Navy on the ground that they were aliens. The allied countries could not put them in their armies or navies because they were not over there. These young men remained in the United States and made all the way from \$10 to \$30 per day, while our American boys were fighting in foreign lands or training in camps and serving for \$1 per day in America and \$1.10 overseas to help preserve the countries of these aliens. And when those of them who were not killed, or had not died of disease, came home they found that their jobs were taken by these aliens, and many of them still have these jobs. There are now more than a million veterans and their sons and daughters looking for work that they cannot find, while our Government is employing aliens and paying them fat salaries.

In every relief bill that has come up in the last 4 years efforts have been made by Republicans and a few Democrats to give preference to American citizens and to American veterans, but in each case these amendments have been defeated by this administration. This action on the part of our Government is indefensible. [Applause.] If a man entered this country legally and is still an alien, it is his own fault. He prefers to be an alien, or is he an alien because he knows that he can enjoy the same benefits as American citizens and will not have to fight and defend this country in time of war? Or is it because he believes from our conduct of the past that if there is any preference shown it is to the alien and not to the American citizen or to the defender of our country and our flag? I wish to repeat that I

cannot speak too highly of those aliens who joined our Army and Navy and helped to defend this country, and as a reward to them the Congress passed an act that enabled them to become citizens, and most of them did become citizens.

I trust that one of these days the Immigration Committee will bring out a real deportation bill and coupled with a provision requiring all aliens to register and requiring all aliens in this country who depend upon charity to be returned to their own country. I hope that this bill will be amended so that it may be helpful and not hurtful to the cause of restricted immigration and to honest and effective deportation. [Applause.]

Mr. SCHULTE. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from New York [Mr. SIROVICH].

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman from New York 3 minutes.

Mr. SCHULTE. I yield 7 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. TAYLOR of Tennessee. I yield 3 minutes to the gentleman from New York [Mr. SIROVICH].

The CHAIRMAN. The gentleman from New York [Mr. SIROVICH] is recognized for 10 minutes.

Mr. SIROVICH. Mr. Chairman, I rise to support the Dies bill that will authorize the prompt deportation of criminals and other convicted aliens engaged in obnoxious, offensive, and criminal activities.

On the other hand, this bill contains certain provisions that will help to humanize the immigration law by legalizing the permanent residence of a class of aliens now residing in the United States, eligible for citizenship but who otherwise could never qualify on account of the obstacle of illegal entry.

The aliens this bill would relieve are aliens who have lived here as law-abiding citizens, heads of families, taxpayers, and employers in many instances. These aliens who have lived here from 10 to 20 and 30 years have already proved their probationary period of good citizenship by living within the law, and doing all they can to promote the best interests of the Nation. These aliens covered by this bill have been on probation from the time they came here and have proved their worth by their character, their reputation, their honesty, their integrity, and their fidelity to our laws and institutions. The entries legalized will be deducted from the regular quota of their respective countries, so that it will be known in advance the type of citizens they will be.

Mr. Chairman, my distinguished and good friend from Kentucky [Mr. ROBSION], who just preceded me, challenged the patriotism of the aliens in our country during the World War.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. SIROVICH. I regret exceedingly that I cannot yield because of the limitation of my time. Mr. Chairman, my friend from Kentucky contended that the aliens claimed exemption and refused to fight for our flag. Let me call to his attention that in the lower end of the Fifth Avenue-Washington Square-Greenwich Village district, which I have the honor to represent in the Congress of the United States, there was assembled one of the greatest organizations of aliens who went abroad to fight for our Republic. They were known as the lost battalion.

Mr. ROBSION of Kentucky. And you made them citizens, too.

Mr. SIROVICH. It was a most distinguished group of men representing every walk of human endeavor. They made the supreme sacrifice upon the battlefields of France. They bared their breasts to shot and shell. Their mortal remains hallow the soil of France in giving up everything they held near and dear in life that our Republic might endure. The lost battalion and its great record is a refutation of the statement of my friend from Kentucky. [Applause.] Mr. Chairman, this bill humanizes the immigration law. It eliminates the criminal, the chronic offender, from our body politic. On the other hand, it retains the best that

have come from Europe in order to be assimilated in our midst. It will eliminate the evils, the tragedy, the hardship of the disintegration of the American home. The home is the foundation upon which the superstructure of our civilization and Government must rest. My good friend from Kentucky [Mr. ROSSON] quoted the Bible regarding immigration. Let me answer him by referring to the Biblical dogma that whom God has united in marriage, let no Congressman tear asunder to destroy their home. [Applause.] We are all immigrants. Only the Indians are native Americans. Immigrants and descendants of immigrants have built this country to be the greatest, the most prosperous, and the most wonderful Nation on the face of the globe. We all love our Republic. We are willing to work for it in peacetime and ready to die for it in times of war to preserve our institutions.

Mr. Chairman, let me call your attention to the fact that in the Fourteenth Congressional District, which I have the honor to represent in Congress, there was established over a hundred years ago the distinguished La Salle Academy, one of the greatest institutions of Catholic learning in the United States.

Old La Salle Academy at Second Street and Second Avenue, in New York, is named after Jean Baptiste de la Salle, who was born in Rheims, France, in 1651. Jean Baptiste de la Salle chose the Catholic Church as his field of endeavor and was the founder of free instruction and education to the poor children of France. During the nineteenth century the Brothers of the Christian Schools, who were disciples of Jean Baptiste de la Salle, established schools throughout Europe and found a hearty welcome and support in the United States, where they found a fertile field among those who had left the shackles of European life behind to find the freedom of thought, speech, and action guaranteed in the United States. In this splendid college of learning many of our leading citizens received their education at old La Salle, among them His Eminence Patrick Cardinal Hayes, of New York, and His Eminence George Cardinal Mundelein. Another alumnus is Monsignor Lavelle, vicar general of the Archdiocese of New York. Former Gov. Alfred Emanuel Smith, of New York, one-time candidate for the Presidency of the United States, just 53 years ago was presented by old La Salle with a medal for oratory—the first medal for that accomplishment that he ever received and now among his dearest treasures. In my congressional district these four eminent men were born.

As a Representative of this district, I deem it my duty to come to the defense of Cardinal Mundelein, whose honor and reputation have been attacked by the scurrilous, club-footed, blood-purging German mountebank and demagogue, Dr. Goebbels, whom a clever Dutch artist has rightly described as the greatest well-poisoner propagandist of all times.

Cardinal Mundelein's ancestors emigrated to this country from Germany 130 years ago and lived in our district. They were honored and respected in our community, where they reared their families and fought in all the wars in our republic. Cardinal Mundelein is as patriotic an American as any of our great American forebears. His patriotism has been a constant source of inspiration and piety to millions of his coreligionists. As a distinguished dignitary of the church and as an American he believes in religious tolerance and has come to the aid and defense of the cruelly persecuted Catholics in Germany. The present persecution of Catholics in Germany has assumed the forms of sadism. Influential Catholic laymen and Catholic priests are framed and tried in courts on trumped-up charges, with a view to discrediting the Catholic Church, and with the clear object in mind to compromise Christianity and make the introduction of paganism less difficult. Cardinal Mundelein is in possession of the facts concerning the persecution of the Catholics in the Fatherland, and knows all the details of the persecuted priests. He has called the attention of the world to this orgy of persecutions and uttered some blatant truths about the alien paranoiac Fuehrer, Adolph Hitler, and his official propagandist, the club-footed demagogue, Dr. Goebbels.

As a result of this courageous and fully justified statement of the prince of the Catholic church, Dr. Goebbels has delivered a long tirade against Christianity and particularly against Catholicism, in which he not only undertook to assassinate the character of Cardinal Mundelein, but also to threaten to purge the representatives of two great Christian churches—Protestantism and Catholicism—with more persecutions.

Mr. Chairman, this bill calling for the deportation of alien criminals should be adopted as a model by the great German nation. They should deport their own alien foreign leaders who have grabbed the control of their country.

To understand the infamy involved in the attempt to assassinate the character of Cardinal Mundelein, one has to bear in mind that the leaders of the Third Reich are anything but pure Germans. They are mostly foreigners. Behold Adolf Hitler himself, the Al Capone racketeer of Germany, dark skinned, black eyes, swarthy, and excitable, does not represent the ideal of the blond, blue-eyed, slow, and calm German. He is an Austrian Slav who became a German citizen shortly before he seized power. His first deputy, Rudolf Hess, the intellectual sadist and sycophant of Hitler, head of the brown storm-troopers, was born and raised in Egypt, and his habits are those of an Oriental. The Nazi Minister of Agriculture, Herr Darree, the boll weevil, corn borer, and agrarian parasite of Germany, was born and raised in the Argentine. The spiritual leader of the Third Reich, Alfred Rosenberg, is a Latvian Slav. Not one drop of German blood flows in his veins. But he is the most fanatical religious racketeering preacher of pure Germanism. The former playboy of Adolf Hitler, Mr. Haefenstengel, is half American and a Harvard graduate. Any number of lesser Nazi lights are of French, Italian, Dutch, and Czech origin. They should all be deported from Germany as foreigners and crooked aliens. No government of any European nation consists of as many foreigners as the present Nazi Government.

You will probably be surprised to learn that all the anti-Semitic doctrines of Adolph Hitler, as he has formulated them in his badly written book, *My Struggle*, for which he collected millions of dollars in royalties and which he salted away in Switzerland for a rainy day when his crown will fall, are copied literally from the book of a Jewish renegade called Triebitsch, whose book of hate, *Germanism and Judaism*, served Hitler as his source of inspiration. Triebitsch was an insane pathological individual and committed suicide when Hitler, whose teacher he was, threw him out of the Nazi Party upon attaining power.

If, in addition to these intellectual monstrosities, you take into consideration the fact that the actual ruler of the Third Reich, General Goering, Minister of Police, Minister of Aviation, Minister of the Theaters and Operas, and Director of the Four-Year Plan, is the former inmate of the Etna Lunatic Asylum in Stockholm, that he is an incorrigible opium fiend and sadist and suffers from "uniformitis", having 150 different uniforms to wear, you have a clear picture of the Nazi saints who are now trying to assassinate the character of Cardinal Mundelein, who is, no doubt, one of the most beloved and respected dignitaries of the Catholic Church and who is famous for his piety and courage.

These foreigners and alien political racketeers of Germany who are tyrannizing and enslaving the German people are today blackening the reputation of Cardinal Mundelein, when they are not fit to blacken his shoes.

Mr. Chairman, I sincerely hope this immigration bill, so humanely written to preserve the home, will receive the approbation and approval of the membership of this House.

This immigration bill has the endorsement of Mr. Green, president of the American Federation of Labor, of Mr. Lewis, president of the C. I. O., and of the American Legion. After all, it is a compromise bill that will exclude criminals from our land and make our country a haven of refuge for the oppressed, the persecuted, and those who are looking for a happier day to live. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I am a new Member of Congress. I am on the Committee on Immigration and Naturalization and know a little about these bills. I have sat in on the hearings.

This bill, as I understand it, was not originated by the Department of Labor or Madam Perkins. It has not even been submitted to Madam Perkins for approval. Therefore, if the Perkins name is anathema to us, let us not apply that feeling to the bill. If there are Members on the Committee on Immigration and Naturalization whom we do not like, let us not apply our prejudice to this bill. Let us rather consider the bill on its own merits. As the gentleman who preceded me has stated, there are only two parts to this bill. Section 1 provides for mandatory deportation of alien criminals.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield there?

Mr. MASON. Yes.

Mr. JENKINS of Ohio. Does not the gentleman know that under section 2 every person admitted under section 1 can be paroled by Madam Perkins if she wishes to do so?

Mr. MASON. No. The gentleman does not know that and does not acknowledge it.

Mr. JENKINS of Ohio. It is a fact.

Mr. MASON. It is provided under section 1 that criminal aliens shall be deported. However, I want to read the words which precede it, because the gentleman from New York [Mr. FISH] stated he could not find these words in the bill. I am reading on line 5 of page 1, which is as follows:

Shall be promptly deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917, * * * as amended, regardless of when he entered if he * * *

Then there are several provisions which cover these cases.

Mr. JENKINS of Ohio. Read one of them.

Mr. MASON. They are right there in the bill.

Section 2 of the bill treats with a different matter entirely. This section treats with granting amnesty to aliens who are now here, who secured entrance into the country at least 10 or more years ago, who were smuggled in, or who came in illegally, who are under the present law subject to deportation, but who have not been deported because they are hardship cases. Every one of these has entered into a family relationship here, which means that if these people are deported we are breaking up families, and in all probability we are removing the breadwinners and will have the rest on our hands.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. MASON. Not now; my time is too limited.

It seems to me that common sense requires that both of these problems be solved and be solved by this Congress, and this is the only opportunity to solve them.

Deportation for alien criminals is one problem that should be solved, and taking care of these hardship cases that are now here is a fact and must be faced, and we must solve that problem. This bill provides the only possible way of solving the problem that is now before Congress.

I have listened to discussions of the four Starnes bills in committee, and I say that according to my judgment they are impossible and altogether too drastic, and for one I would not vote to favorably report those bills. I doubt if they will be reported at all at this Congress. This is our opportunity; let us take advantage of it. If there are some things in this measure that you want to improve, and they could possibly be improved, offer amendments to improve, but let us act upon the bill, and act favorably, as the only method of solving these two problems that have been confronting the country for many years. [Applause.]

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman an additional 3 minutes.

Mr. DIRKSEN. Mr. Chairman, I served on the Committee on Immigration and Naturalization for 2 years, and I am not sure that even as a member of that committee approaching the job with proper diligence and devotion, I was not afflicted with considerable confused thinking about this whole subject of immigration and naturalization and deportation.

I wonder if it would not be a good idea, in connection with the consideration of this bill, to present a broad concept of the philosophy and the jurisdiction over which that committee operates.

It deals, first of all, with immigration. This means the application of standards under which people can come from foreign shores into this country. Prior to 1917 our law was in a condition of chaos and it was codified in 1917, so that today, for all practical purposes, we have a fairly good basic law dealing with the subject of immigration and applying to those who come into the United States of America.

The second aspect of the jurisdiction of this committee deals with naturalization. It applies certain standards under which those who have come from foreign shores may become citizens of the United States. With respect to the observations that my friend from Ohio made earlier in the afternoon that when you talk about the un-American aspect of the attitude of anybody coming from a foreign shore into this country who has been here for 10 years without taking out citizenship papers, I may say to this House that there are two sides to that story. We are in the habit of saying to an alien, "Go and get yourself naturalized." We place the entire responsibility upon him. We had a reasonably high level of fees. We made no open-handed invitation to prepare for citizenship. I do not know that in general we properly approached that problem and said, "Come, we will take you by the hand and take you through the processes whereby you can become a citizen of the United States."

When we get ready to level the finger of reproach and fasten the fault upon one group or another, let me say that the fault is in some measure ours as much as it is the fault of the alien that we have today in this country 3,000,000 aliens who have not yet made application for their naturalization papers. Whenever we can infuse our people with the kind of spirit that will bid them say: "We will take you by the hand and make citizens of you; we will welcome you into the fold of this great family; we will do everything possible that you may assimilate the ideals and traditions of the country", I fancy then that the number of aliens in this country who are eligible for citizenship will certainly diminish even as the number has diminished in years gone by. This is the second aspect of the work of this committee.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I cannot yield now.

The third aspect deals with deportations. In other words, immigration involves those who come over and the standards under which they enter our country; naturalization deals with citizenship after they get here; and deportation deals with removal from our land when they have violated the tolerances and the good graces of the American people, when they have violated our laws or when they have done those things that, in our judgment, should not admit them into citizenship in this country.

The bill that is pending before the House this afternoon deals with the third aspect of this matter; namely, deportation.

When you think of deportation you must put aliens into two general classes.

First, those who have come into the country legally. Unless they have violated the law in some respect or unless they have projected themselves into a position where they can be deported under existing law, we can do nothing about them. They have been legally admitted in the first instance. They came here under existing law, and so long as their conduct is proper we should be kindly disposed toward them.

The other classification of aliens is composed of those who illegally came into the country. Everybody knows that under existing law it is a crime to enter this country illegally, and they can be deported if they are found out, their whereabouts ascertained, and they can be apprehended by the immigration authorities. Now, look at the anomalies you have in the law with respect to those who have been legally admitted into the country. You can deport an alien under existing law who is legally here, for stealing a loaf of bread. You cannot deport a man for having been convicted of carrying a concealed weapon.

The reason is that, under the laws of the various States, carrying a concealed weapon does not involve moral turpitude. Fancy a law of that kind, where you can deport a man for stealing a loaf of bread to ward off starvation or feed a hungry family but you cannot deport a gangster for having carried concealed weapons. It is only an instance of the oddities that we have in the law at the present time. Here is a bill that in some measure at least will for the first time in my judgment correct that strange situation. Another oddity under existing law is that you can deport a man who violates the Federal narcotic law but you cannot deport him if he violates a State narcotic law. If somebody in Chicago has obtained various kinds of narcotics and peddles them inside the city, you cannot deport him, under existing law, as long as he does not cross the State line and get into interstate commerce. So long as he does not lend himself to the jurisdiction of the Federal law, he cannot be deported. That is an oddity in existing law that this bill purports to correct, so that anybody who violates a State narcotic law as well as a Federal law can be deported.

A word now about the discretionary or permissive authority vested in the Secretary of Labor. I have attempted to see this whole proposition from the standpoint of the ardent restrictionist as well as from the standpoint of those who would liberalize the law. I think there is a pathway somewhere in the middle that we can pursue, and that, I believe, is embraced within the provisions of this bill. We have about 2,500 to 2,800 hardship cases pending at the present time. As the gentleman from Alabama [Mr. STARNES] has said, some of these people are afflicted with social diseases.

Some of them are afflicted with tuberculosis, and others, for other reasons, might be deported under the 1917 act. But I examined the files of those cases to which he referred, and while there are some instances of that kind, let me say to the members of this Committee this afternoon—and I say it on the basis of factual information, gleaned from the same files that the gentleman from Alabama [Mr. STARNES] examined—that he and his colleague over in the Senate, who were sponsors of these restrictionist bills, picked out only the headline cases and the limited number of flagrant cases and sent those out to the attention of the country, and they appeared in the newspapers. It would appear that if we vested some power in the Secretary of Labor perhaps we would let some people remain in this country who were abusers of the privileges of the country. But it should be pointed out at the same time that in the 2,800 cases alluded to there were a great many very essentially hardship cases, for which we could make no provision except as we reposed discretionary power in the Secretary of Labor. If you will examine those hardship cases as I examined them you will find that probably 60 percent of all those cases were cases where the persons involved were not law violators, they were not on relief, or were not law violators in a very substantial sense. Perhaps they were guilty of some minor infraction of the law, but I doubt very much whether that justifies such drastic action as sending them out of the country. There must be some place where you repose an element of discretion, even as we reposed discretion in the President of the United States or some officer of the Government relative to other legislation, and here it must be necessarily reposed in the Secretary of Labor.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. JENKINS of Ohio. The gentleman's statement sounds very beautiful, but does he not know that the Immigration Committee picked out 15 presumably of the best of these cases and brought them on the floor of Congress and that not a single one was accepted?

Mr. DIRKSEN. Oh, we considered those in committee 2 years ago, and we went from the top to the bottom of them, and we had people come in from the 48 States of the Union, fathers and mothers, with children, fathers who had come from foreign countries, who had married American women, whose children were born in this country, many of whom are in business at the present time and who have been here for 10 or 12 years, and yet under the provisions of existing law you have to send them out of the country. When you talk about these people on relief rolls, there is another side. I remember one gentleman who came to the committee from New York. I asked him what he did and he said he was in business. He had a business of his own. I asked him whether he employed anybody and he said that he employed 50 people. There was an alien, his wife an American citizen, his two children American citizens, who employed 50 of our own citizens in his own business. Do you think that he ought to be deported? [Applause.]

Ever since I became a member of the Immigration Committee in 1933, every bill that emanated from that committee has been a storm center of controversy. Either it did not satisfy those who were liberal in their views or it did not satisfy those who had extreme restrictionist tendencies. Since that time, Congress has wrestled with this alien problem, a problem that has been aggravated by the ravages of the depression. It is high time that we approach this matter with even tempers in the spirit of compromise and remain in session today until this bill in original form or amended form is passed.

Existing law contains too many anomalies. It must be refined and perfected. It contains loopholes which permit criminals to remain in our land and it contains provisions that would impose hardships upon deserving people. This bill is a step in the right direction and I trust that with patience and tolerance, the committee will devote itself to the task until it has been completed.

Mr. SCHULTE. Mr. Chairman, I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. SCHULTE. Mr. Chairman, this is a very serious and important bill that we are considering this afternoon. This bill is the outgrowth of a great many bills that were presented to satisfy a majority of the members of the committee and the House.

The first four sections of the bill contain provisions that I believe we are all in accord with; that is, providing for the deportation of alien criminals. According to the late Commissioner of Immigration, Mr. McCormack, there are 23,000 alien criminals in the United States. We have his figures, we had his word for this.

The second part of this bill deals with hardship cases. The gentleman from Alabama cited several isolated cases, and the Department of Labor will deal with them. They will be deported. That has nothing whatsoever to do with this bill.

It has also been stated on the floor that the floodgates would be opened. This bill does not attempt to do that at all, this bill has nothing to do with that.

Mr. Chairman, 23,000 alien criminals will be deported—this is mandatory upon the Department of Labor—if this bill is passed. If the bill is defeated, of course, it means that they will stay here only the Lord knows how long.

Involved also are 2,900 hardship cases. Some question has been raised as to just where we are going to place this power, some members of the committee insisting that it be given to the Members of Congress, that these cases be referred to the Committee on Immigration and Naturalization. Twenty-nine hundred hardship cases have been placed in the laps of this committee. We reported out an omnibus

bill carrying 12 so-called hardship cases and I think we got by with 6 or 7. The rest are still awaiting action. These are the tactics that are now being used, and if this is the way we are going to deal with the problem, you can figure out how long it will take the Committee on Immigration and Naturalization to deal with what by now probably amount to 3,000 hardship cases. I dare say that 60 percent of the Members of this House have introduced bills to save from deportation some person in their district. They are hardship cases. We are familiar with the facts in a great many of the cases. In many instances the individuals involved have been here a great number of years, 10, 15, or 20 years. Just because they have committed the unpardonable, the unforgivable crime of coming into the country they loved, to stay here, now we are going to deport them, now we are going to send them out in spite of the hardships that we are creating. Ninety-five percent of them are married, 95 percent of them have families in this country, they own their own property, they send their children to our schools, they are paying their proportionate share of the taxes; yet we are going to send them out of the country, deport them as undesirables, because they came into the country illegally. At the same time, Mr. Chairman, the doors of the penitentiaries of the United States will open to let out a murderer, a man who has committed murder in the country, and society opens its arms and says, "Welcome." That is the paradox of the story.

The statement had been made that 500,000 sailors have deserted ships in the last 10 years. That is a far-stretched statement. The gentleman who made that statement had no basis for it. No one knows just how many are in the country; there is no way of telling.

It is also said that the aliens refuse to shoulder a gun. Again I take issue with the author of the statement. There appeared before the Committee on Immigration and Naturalization a boy born in Poland. He was here in 1917 but was too young to enlist in the American Army and his father was too old; but, Mr. Chairman, they both enlisted in the Polish Legion, were sent over and fought on the side of the Allies and for us. Then they came back here and the chances are that under this law they will be deported if it is found that one of them came in here illegally.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON. Mr. Chairman, in the Shenandoah Valley of Virginia there is no foreign problem, racial, social, or economic. Less than one-half of 1 percent of the people of that area are of foreign birth. If there is a single unnaturalized alien in my district, I do not know it. But I served for 2 years as a member of the Committee on Immigration and Naturalization and through this service became interested in the immigration problem. Last summer in my spare time I did some collateral reading touching the subject of racial and social problems growing out of our alien population.

There is no doubt in my mind of the fact that we have a problem growing out of immigration. In the 130 years since 1800 there have been 62,000,000 emigrants in the entire world, of which 90 percent have come to America. They came for various purposes, but primarily to get land and to enjoy more freedom than they had at home.

Whenever there has been a period of economic stress, racial and group prejudices have developed. Germany of today is a good example. We have had the problem, but less acutely. We also have group movements that may properly be called subversive of our form of government. We have reached a period in our history when this also should give us concern.

Mr. Chairman, I think this bill is a step in the right direction, but it does not go far enough. I was interested in the suggested amendments mentioned this morning by our colleague from Ohio [Mr. JENKINS]. I hope all Members of the House will feel as I do; that is, we should approach the problem in a spirit of fairness toward the alien,

but in a spirit of real concern, not only for the unemployed Americans but for the perpetuity of our form of government, and that we will today attempt to unite on amendments which will make this bill as good and as strong as we can make it, because in all probability this will be the only bill we will have a chance to act on at the present session.

In connection with any legislation to restrict immigration and to deport criminal aliens, it is pertinent to consider our racial problem.

Our racial problem, of course, comes from immigration. Immigration is an age-long tendency of men to migrate in order to improve their conditions of life. The intermingling of races through the centuries has been accomplished by four major processes, namely, invasion, conquest, colonization, and immigration. Invasion is the process whereby an inferior race, such as the Huns and Vandals, conquer and overthrow a superior civilization. Conquest, on the contrary, is the military subjugation, as witnessed under the Roman Empire, of an inferior race or civilization by a superior one. Colonization occurs when a country acquires new territory and sends native sons to develop it under the supervision of the mother country. Immigration, which has been the latest phase of race intermingling, is when people of one nation migrate from that nation to another nation with the view and purpose of establishing a permanent home in the new nation and ultimately of acquiring citizenship in the nation of adoption. As such it must, of course, be differentiated from migration where a transient status only is involved. The North American Indians migrated for reasons of climate, a food supply, and so forth; some 2,000,000 Negroes during the boom days migrated from the South to the North, and during the 5 years of the depression many of them migrated home again. There are some 25,000,000 native whites of the United States now living in places other than that of their birth. The old dominion has been a heavy loser from migration, many of our brightest sons and daughters, after receiving their education, migrating to other States for permanent residence. Even animals and birds, such as ducks and geese, migrate. But an immigrant is one who is not moving back and forth but moving from an old home to a new one that he thinks is going to be better. It is essential, therefore, for us to recognize the difference between a migrant and an immigrant.

In studying the history of immigration, it is interesting to note that practically all immigration in the true sense of the word has been between countries in the Temperate Zone. Neither the Tropics nor the polar regions have ever attracted immigrants for apparent reasons. And the flow has been from old countries to newer ones where the ratio between population and land has been low. There is something in human nature that makes the average man want to acquire land, and that instinct is not confined to any race or any particular time. In fact, all of us have noted the tendency not to regard a man as a substantial citizen until he has acquired land, and the most popular way in America of evidencing bigness is not only to acquire land but to build the finest home in the community.

Considering, therefore, this desire to acquire land, it is not surprising that countries suffering from overproduction early turned to the vast areas to be found in this new country of ours. Even at the present time our population is only 41.3 to the square mile, while most of Europe has a density ranging from 100 to 700; British-India, 225.7; and Japan, 346.8. Consequently, the greatest migration of all times occurred between 1800 and 1830 from the countries of Europe to America. While later in this paper we will take note of certain racial characteristics of the early settlers, it must be remembered, as mentioned above, that there is a difference between colonization and immigration, and hence our first settlers were colonizers and not immigrants.

In the first half of the nineteenth century, the largest immigration to this country, and the best class of immigrants, was from Great Britain and Germany. That type

of immigration reached its peak about 1880. Then commenced the movement of the agricultural proletariat of southern and eastern European countries, especially Italy, Austria-Hungary, and the southern nations that once were a part of Russia. This flow of immigration, and of a type that has made for us a serious racial problem, was first stimulated by the steamship companies. At one time oceans were barriers but the invention of Robert Fulton made of them international highways. The transportation of immigrants from Europe to America was a profitable business for the steamship companies the latter part of the nineteenth century. The immigration movement of the twentieth century was stimulated by industrial leaders of the North, who were in the market for an abundance of cheap labor. It may be true that without such cheap labor we could not have developed our great natural resources as rapidly as we did, nor have built up with equal rapidity some of the great American fortunes of the present day. But anyone with a spark of humor must smile as he hears the Northern capitalist prate about protecting the American laborer and the American standard of living from the competition of cheap foreign goods by means of higher protective tariffs, and then watches the same group as it brings in millions of "Hunks" and "Wops" to take the jobs of these same American workers at a lower pay and a lower standard of living. And in passing it might be noted that the argument of the same protectionists that high tariffs help American agriculture because of better domestic markets is just about as consistent.

In the whole world between the years 1800 and 1930 there have been a total of 62,000,000 immigrants, of which 90 percent have come to the Americas, mostly to the United States. Of those coming to the United States, approximately 33 percent, for one reason or another, have ultimately gone home. Our Nation did not commence keeping accurate records on immigration and emigration until 1820, but between that date and 1930 those records show that our net gain in population from immigration, excluding, of course, children born of foreign parents, has been 26,180,000.

In the first decade of the twentieth century the number of immigrants was 8,795,386; in the second, 5,735,811; and in the third, 4,107,209. In 1930 our population was divided as follows: White, including immigrants, 112,775,046; Negro, 11,891,193; mixed, 1,422,533; and the balance was made up of Japanese, Chinese, Filipinos, Hindus, and so forth. Of that total, the native born was only 95,497,800. It has been said:

The history of the United States could largely be written around immigration, which has hastened the growth of population and greatly influenced its character, affected political and social conditions, and been a main cause for the rapid exploitation of natural resources, the impetuous industrial expansion, and the tremendous increase in national wealth.

Since 1820 the countries furnishing to us over 1,000,000 immigrants each follows:

Germany.....	6, 873, 103
Italy.....	4, 546, 877
Poland.....	3, 342, 198
Irish Free State.....	3, 086, 522
Russia.....	2, 669, 838
England.....	2, 522, 261
Canada—other.....	2, 231, 186
Sweden.....	1, 562, 703
Czechoslovakia.....	1, 382, 079
Canada—French.....	1, 106, 159
Norway.....	1, 100, 098

The first settlers in Virginia, of course, came from England, and most of the early settlers from some section of the British Isles. There was a Dutch settlement in New York; a French settlement of Huguenots in New York, South Carolina, Virginia, and Massachusetts; and Swedish settlements along the Delaware that later moved into what was once the northwest territory of Virginia. There was an influx of Jews from many nations to our larger cities, a large settlement of Irish in New York and Massachusetts, a settlement of Germans from the old Roman Palatinate—now a part of Bavaria—and from German Switzerland that settled in

Pennsylvania and then migrated to the valley of Virginia, and last, but not least by any means, the movement of Scotch-Irish who settled this immediate section.

Many have recently seen the picture of Katherine Hepburn as Mary Queen of Scots, depicting the bitter conflict between her and Elizabeth. Mary's son succeeded Elizabeth in 1603 as James I. He was also James VI of Scotland, and the two kingdoms remained separate for another hundred years, during which period Englishmen looked upon the Scots as foreigners. However, the two kingdoms were united before the Scotch-Irish settled this valley, as that immigration occurred after Governor Spotswood had discovered the valley in the early part of the nineteenth century.

Those with Scotch or Scotch-Irish blood should be pardoned for believing that their ancestry was the most virile and aggressive of any that came to the new country. However, it must be recalled that Gibbon said that the Holy Roman Empire was neither holy, Roman, nor an empire. And anthropologists tell us that the Scotch-Irish were very little Scotch and still less Irish. They were a mixture of Celts, Irish, Britons, Norwegians, Scandinavians, Angles, and Saxons, and the blood of those various races had been comingled for more than a thousand years before it reached the veins of the Scotch-Irish that settled this section. Yet, those who take pride in Nordic blood and subscribe to the theory of biological superiority have the satisfaction of knowing that all of the races that united to produce what we know as the Scotch-Irish were Nordics, and it is undeniably true that the settlers we call Scotch-Irish produced a long list of remarkable men, especially in the fields of war, politics, and industry. In literature the two outstanding Scotch-Irish were Washington Irving and Edgar Allan Poe; but in other fields of activity we find, among others, Thomas Benton, James G. Blaine, John C. Calhoun, John G. Carlisle, Andrew Carnegie, George Rogers Clark, Jefferson Davis, Ulysses S. Grant, Horace Greeley, Alexander Hamilton, Mark Hanna, Samuel Houston, Andrew Jackson, Stonewall Jackson, John Paul Jones, George B. McClellan, William McKinley, Oliver Perry, John D. Rockefeller, Edward Rutledge, Winfield Scott, Zachary Taylor, Matthew Thornton, Anthony Wayne, Woodrow Wilson. The people of Rockbridge can well take pride in the production of a man like Samuel Houston.

One writer on racial problems gives this explanation of the remarkable achievements of the Scotch-Irish:

At the time of the Revolution there were above 500 Scotch-Irish settlements scattered over practically all of the American colonies. They alone of all the people had one uniform religion; had experienced together the persecutions by state and church which had deprived them at home of their civil and religious liberties; and were the common heirs to those principles of freedom and democracy which had been developed in Scotland as nowhere else. They took the lead in developing that Western type which in politics and industry became ultimately the American type.

While in colonial times there were numerous different religious groups, the English belonging to the Church of England; the Pennsylvania settlers being Quakers; the New England settlers, Puritans; the Scotch-Irish, Presbyterians; the Irish, Catholics; the Germans, Lutherans or Moravians; the Dutch affiliating with the Dutch Reform Church; the Swedes with the Swedish-Lutheran; the Jews with the Jewish; and the Englishmen under Lord Baltimore and the Irish generally with the Catholic Church. We had no outstanding social problem growing out of religious differences and group actions based upon religious views until we received, during the twentieth century, the hordes of undesirable classes from southern Europe, mentioned above, all of whom were either Roman Catholics or of the Eastern Orthodox Church.

Both Washington and Jefferson had warned us against the undesirable effects of immigration of that type. Washington had said in a letter to John Adams in 1794:

My opinion, with respect to immigration, is that except of useful mechanics and some particular descriptions of men or professions, there is no need of encouragement, while the policy or advantage of its taking place in a body (I mean the settling of them in a body) may be much questioned; for, by so doing, they retain the language, habits, and principles (good or bad) which they bring with them.

Jefferson, a few years later, wrote:

The present desire of America is to produce rapid population by as great an importation of foreigners as possible. But is this founded in good policy?

It is for the happiness of those united in society—

He continues—

to harmonize as much as possible in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours perhaps are more peculiar than those of any other in the universe. It is a composition of the freest part of the English Constitution, with others derived from natural right and natural reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet from such we are to expect the greatest number of immigrants. They will bring with them the principles of the government they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation. . . . Is it not safer to wait with patience 27 years and 3 months longer for the attainment of any degree of population desired or expected? May not our Government be more homogeneous, more peaceable, more durable?

In 1790, 77 percent of the new Nation was English, and the second largest group was the Scotch-Irish. It would have been fortunate for us had we followed the advice of Washington and Jefferson with respect to immigration, for in the period under immediate consideration, namely, 1900 to 1930, nearly 12,000,000 immigrants came to us from southern Europe, bringing the total since 1820 to the enormous figure of 13,944,454. During that time Austria-Hungary sent the most and Italy the next largest number; and we were expected to absorb and assimilate that horde of 14,000,000 southern European peasants, and including no few criminals, teach them our language, our customs, our institutions, and imbue them with a love for the principles of democracy. Protestant groups, as we have shown, were to assimilate this group of nearly 14,000,000, in which there was not one single Protestant. The bare mention of that situation is enough to indicate that a racial problem of necessity existed, when it came to the task of producing a unified and solidified nation and a national spirit in the United States.

It has been said that the direct factors in nationality are race, language, religion, the homeland, tradition, literature, and the will to live together. Italians from southern Italy were of the illiterate peasant class. They came from an area with a population density of 349 per square mile—greater than China or India. They were all Catholics. Pre-war Austria-Hungary included nine different nationalities, and we got some of the dregs of each. A large percentage, however, were Slovak, mostly Catholic. Others of the Slavic race were Poles, Wends, Czechs, Slovenians, Croatians, Serbs, and Bulgarians. None of them ever had any independent political existence. Those from the east were Eastern Orthodox and from the west Roman Catholics. For the most part, they were peasants not long from serfdom. Fortunately for us, these immigrants did not come to the South but furnished cheap labor for the coal and iron industries.

Our third largest quota of undesirable immigrants came from Russia, a total of 3,341,991. Of those from Russia, many were Jews—Russia after the dismemberment of Poland having the largest Jewish population of any nation in the world. Now the United States has that distinction, as we have received Jews from nearly every country, until today of the 16,000,000 Jews in the world, nearly one-third of them are in the United States, and they constitute 3½ percent of our entire population.

However, those with anti-Semitic prejudices should not overlook the fact that there is good reason to believe that Columbus was a Spanish Jew, and that it was Jews, and not jewels, who financed his expedition to this country, the interesting romance about Isabella to the contrary notwithstanding. The first member of Columbus' crew to set foot on the new soil was a Jew by the name of Luis de Torres,

founder of the famous Cuban family of that name. Then we had our Robert Morris, who financed Washington's army; and Juda P. Benjamin, Attorney General, Secretary of War, and Secretary of State of the Confederacy. In present-day times we have as descendants of Spanish Jews Bernard M. Baruch; Justice Benjamin N. Cardozo, of the Supreme Court; and the Guggenheim family of New York. Great Britain had her Disraeli, and Spain her Spinoza, to mention just a few who have attained great distinction.

The section of the country lying below the Mason and Dixon line, if we exclude the Negro problem, has less of a racial problem than any other section of the country. The highest ratio of foreigners in the South is 2.2 percent and the lowest is one-half of 1 percent, the latter being about the ratio of the Shenandoah Valley of Virginia. What foreign element we have in Virginia is largely to be found in our big cities. Fortunately for us, the South offered few attractions to the peasant immigrant, as we had few large industries, no free land, few large cities, relatively low wages, and cheap labor competition in the form of the Negro. The racial problem of our Nation of the most serious consequences is in those sections in which the hordes from southern Europe settled—men who were illiterate, with no previous training in free citizenship, and quick to resort to violence and disorders. From their ranks were recruited socialists and anarchists, including one who assassinated President McKinley, and then there have been deliberate importations of foreign agitators, who have continued here their struggle against organized society that they had been carrying on at home.

These anti-American and subversive activities reached such a proportion that on March 20, 1934, the United States House of Representatives authorized the establishment of a congressional committee to investigate the subject and report to the Congress. A very full investigation was made and voluminous testimony taken, and the committee submitted its report to the Congress on February 15, 1935. We advise all who are interested in knowing whether or not we have a racial problem to read the hearings of that committee and its report. The report mentions with respect to Nazi activity and propaganda that—

Orders were issued in Germany and transmitted to the United States ordering certain lines of conduct in connection with this movement. . . . German steamship lines not only brought over propaganda but transported back and forth certain American citizens without cost for the purpose of having them write and speak favorably of the German Nation . . .

The organization known as The Friends of New Germany, through a subsidiary organization, in July 1934, conducted so-called youth summer camps at different localities, at which camps nothing of American history or of American principles of government were taught, even to the children of American citizens of German extraction, to say nothing of the children of aliens.

On the contrary, the children were taught to recognize Chancellor Hitler as their leader, to salute him on all occasions, and to believe that the principles of government taught by him were superior to the principles of our Government.

With respect to fascism, the committee reported:

There have been isolated cases of activity by organizations which seemed to be guided by the Fascist principle, which the committee investigated and found that they had made no progress.

With respect to communism, the committee reported:

The Communist Party of the United States is not a national political party concerned primarily and legitimately with conditions in this country. Neither does it operate on American principles for the maintenance and improvement of the form of government established by the organic law of the land.

The nature and extent of organized communist activity in the United States have been established by testimony and the objectives of such activities clearly defined. Both from documentary evidence submitted to the committee and from the frank admission of Communist leaders these objectives include:

1. The overthrow by force and violence of the republican form of government guaranteed by article IV, section 4, of the Federal Constitution.
2. The substitution of a soviet form of government based on class domination to be achieved by abolition of elected representatives both to the legislative and executive branches, as provided by article I, by the several sections of article II of the same Constitution, and by the fourteenth amendment.
3. The confiscation of private property by governmental decree, without the due process of law and compensation guaranteed by the fifth amendment.

4. Restriction of the rights of religious freedom, of speech, and of the press as guaranteed by the first amendment.

These specific purposes by Communist admission are to be achieved not by peaceful exercise of the ballot under constitutional right but by revolutionary upheavals, by fomenting class hatred, by incitement of class warfare, and by other illegal, as well as by legal, methods. The tactics and specific stages to be followed for the accomplishment of this end are set forth in circumstantial detail in the official program of the American Communist Party adopted at the convention held at Cleveland on April 2 to 8, 1934.

The manifesto and the resolutions incite to civil war by requiring one class "to take power" by direct revolutionary process and then assume dictatorship over the country in the manner followed by the Communists in the Union of Soviet Socialist Republics which is frequently mentioned as a guiding example.

In pursuance of the revolutionary way to power, the program instructs members of the party to obtain a foothold in the Army and the Navy, and develop "revolutionary mass organizations in the decisive war industries and in the harbors." The trade unions should be undermined and utilized as recruiting grounds for revolutionary workers. How faithfully these particular injunctions have been executed was demonstrated by Navy officers appearing before the committee and by officials of the American Federation of Labor.

Racial, religious, and economic forces are frequently interlocked. The root of racial or religious persecution is frequently economic. When there is economic tension, discrimination usually begins with different minority groups. It is hard to find any community which has at one time or another not had its major and minority groups, with group actions induced by the interlocking forces of race, religion, and economics.

Economic strain always accentuates group differences and group prejudices, and hence the rapid development of our group problems during the past 5 years—the problem between capital and labor, between oriental and occidental, between Christian and Jew, between Catholic and Protestant. Dean Wicks, of Princeton, recently said that interdependence has arrived in the world before the preparation of brotherliness has made men anywhere near ready. And that is one explanation of the present armament race among the major nations of the world.

We find the Nazi under Hitler persecuting all Semetics, especially Jews, and boasting of the biological superiority of the Aryan race, especially the Nordics of northern Europe. As a matter of fact, the word Aryan is an adjective derived from a Sanskrit word meaning "one of noble birth." No one has ever known an original Aryan race or an Aryan language, and our conception of an Anglo-Saxon race is almost as vague. In reality, through countless years it has carried the blood of Celts, Angles, Saxons, Jutes, Vikings, and pre-Nordic stocks, tied together by cultural bonds. Anthropologists report that no racial group has functional unity and that social groupings and not race furnish the basis for functional unity. Race is a biological concept and cuts across all types of social groupings. It is culture, not race, that draws people together. It is culture, therefore, and not Scotch-Irish blood that makes the present unity of our community. The idea of democracy is necessarily a controlling idea in a culture where democracy is also a master idea.

Therefore, to have the best form of democracy, we must guard against the tendency to merely identify ourselves with a group—church, labor, political, sports, and so forth. For if we do not, we will get what Walter Lippmann calls "pictures in our heads", which makes us dogmatic about things we know little about, and especially about people who do not belong to our group. To classify a man as a Jew, Bolshevik, or hillbilly saves mental effort, but such "pictures in our heads" are never accurate. Our tendency is to put a man in a group and then ascribe to him all the objectionable qualities of that group. It may help us to win wars to ascribe brutality and inhumanity to our enemies but it does not help to win the battle of peace. In peace, they lead to group conflicts.

We must likewise guard against the tendency to regard the culture of our group as being superior to any other. Dr. Donald Young, of the University of Pennsylvania, says:

There is no truth in biological superiority that Egypt, Persia, Babylon, Rome, Spain, and other illustrious empires were tangled mixtures of races at the height of their glory. Their glory and hybrid qualities were consequences of the same conditions, condi-

tions that put them at world cross roads with natural advantages, enabling them to grasp the opportunities offered. They went to seed when the cross roads moved with changed demand for natural resources, with improvement in communication, and with advances in the economic world.

It is not enough for us to have twentieth century weapons if we still cling to primitive minds and prejudices. Those weapons will but lead us to a war that will destroy civilization. And it is not enough for us to boast of the achievements of our Washingtons, Lees, Houstons, and other empire builders if group prejudices and assumed superiorities close our eyes to domestic problems that lie close at hand.

There are two domestic problems requiring our present consideration. One is the problem of unemployment. We should restrict the entry of foreigners, because our first duty is to our own unemployed. The second problem is the preservation of our democracy. Criminal aliens and aliens who seek to overthrow our form of government should be deported.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield 7 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I think a great deal has been said, and perhaps the subject has been overstated, that we have not taken care of the situation in the past as we should have done. I think we have made a lot of mistakes with reference to the question of deportation, as well as the question of immigration; but if there have been mistakes made in permitting individuals to come to this country from foreign countries that fault is ours.

I am going to repeat something that has been mentioned several times this afternoon, namely, we have before us today a measure that has to do with the deportation of criminals, the first bill of its kind presented in the last 12 or 15 years. Let us not rush this bill. Let us go to work on it and construct a deportation bill that will be a credit to this Congress. If you do not like the bill as it is written, let us amend it but not kill it. Somebody said once upon a time "a fine thing to remember and a better thing to do is to work with the construction gang and not with the wrecking crew." In this particular case let us work with the construction gang.

We appreciate the fact that we have thousands of aliens on relief. A great many of these aliens who are on relief are there largely by reason of circumstances and conditions over which they had no control. We are told by those who are familiar with this question that, even under the bill as written and in view of the laxity that seems to have obtained in the past, the bill will result in the deportation of some 20,000 individuals who are in this country wrongfully. That alone should be worth working for if as a matter of right and justice such persons should be deported. If we would have a chance to consider some other measure during the present term of Congress, there might be a different situation; but, in my opinion, from present appearances, this is the only measure of its kind that may be reported by the committee. In any event, such action will not preclude this Congress from enacting additional legislation on the subject if it sees fit to do so.

You are legislators. It is within your power and it is your duty to make the best bill that you can out of this measure. A good deal has been said with reference to the question of labor. I believe like many others that we ought to protect the American labor market and keep it for the American people. But do you know we are not doing as well as we should? We are permitting too many imports to come into this country that are made by foreign labor, and in this respect we should begin to protect our own labor market. Just the other day the gentlewoman from Massachusetts stated that right now we are importing shoes and boots from Czechoslovakia that should be manufactured in this country.

Let us go to work on this bill. Let us, so far as we can, protect the American market for the American laborer. Let us treat these people as you would like to be treated yourselves. We are not talking about foreign-born people in this bill. We are not talking about foreigners generally.

We are talking now about the deportation of individuals who have violated the law and are here illegally. Therefore, let us make the best measure we can out of the bill before us and not kill it, even though we do not agree with it in its entirety.

Mr. DICKSTEIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. CELLER].

Mr. TAYLOR of Tennessee. Mr. Chairman, I also yield 3 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I am heartily in favor of this bill, and I believe most of the Members of the delegation from New York feel likewise, at least, those on the Democratic side. We feel that half a loaf may be better than no loaf at all. The bill is faulty in some respects but is salutary in many other respects.

We are particularly eager to save from further hardship those members of families who might be subject to deportation if this bill were not passed. In the interest of common humanity we must indeed be moved to prevent the intense hardships, the harsh cruelties which would result from the separation of families resulting from deportation of a father or husband. However, I do not know why members of the committee limited the number of those who would thus be aided to 8,000. If you will read carefully section 2, you will observe on page 3 of the bill, subdivision (b), line 20, that 4 years are allotted for the exercise of limited discretion by the Department of Labor with reference to granting exemptions to these types of immigrants to prevent hardship and cruel separation of families. During the first year 3,500 would be aided, and during the 3 ensuing years 1,500 each year, making a total of 8,000 to be thus liberated, as it were, from the erstwhile hardships and intense cruelty which would result from deportation.

The gentleman who wrote the majority report very wisely incorporated in his report an extract from the report of the Wickersham Commission on law enforcement and observance, which reads as follows:

In deportation cases, even when the judgment is just and necessary, the hardships are extreme both upon those deported and their families who are permitted to remain, and in the opinion of the Commission the limited discretion to permit in cases of exceptional hardships a relaxation of the rigid requirements of the present statutes would be consistent with the dignity of a great and human nation.

There are many more cases than 8,000. I do not know why the limit of 8,000 was placed in the bill, because, mind you, just as soon as you pass this bill—and I hope you will—there will be many families coming forward to claim exemption under the humanitarian provisions of section 2. I venture the assertion there will be many, many more than 8,000. Thousands of heads of families will come forward to claim exemption. If there are 8,001, you are going to save 8,000 but let the one be deported regardless of circumstances; or if there are 1,000 more than 8,000, why discriminate in that fashion and withhold this privilege from any one of these poor devils who came here, sometimes unwittingly, oftentimes to escape oppression, many of whom are refugees endeavoring to escape the pogroms of Russia and Rumania, the hideous cruelties of a Hitler, or the harsh treatment to which they may be subjected in Fascist Italy. It seems cruel, indeed, that the members of the Committee on Immigration and Naturalization should stop abruptly at 8,000. It is difficult to comprehend, in the spirit of the statement I have just read from the report of the Wickersham Commission, how this is in conformity with the dignity of a great and humane nation. I implore the Members to extend the blessings of this bill to others than the mere 8,000.

Furthermore, these blessings cannot be extended to anyone who is technically guilty of moral turpitude. There are expressly exempted in line 4 on page 3 of the bill those guilty of the provisions of the act of February 5, 1917. Let us pause for just a brief spell on that score.

You will find mentioned, upon reading the provisions of the act of February 5, 1917, on line 4, page 3 of the bill,

that anyone who is guilty of a crime or misdemeanor involving moral turpitude would be mandatorily deportable. There are many cases where persons came to this country on faulty papers. They were inveigled innocently, or trapped without actual knowledge of the facts into payment of moneys to highbinders and self-seeking racketeers of a type that often infests Europe, and to sign illegal applications and accept bogus passports and immigration visas. Many of these poor devils, anxious to escape the terrorisms and cruelties and economic ostracism of dictators like Hitler, Mussolini, and Stalin, easily fell into the trap. Their desire to escape these terrors outweighed their judgment. The acceptance and use of such documents places upon them the blot of moral turpitude. That, at least, is the interpretation of the act of February 5, 1917. Such persons, therefore, regardless of all other circumstances, could not come under the charitable provisions of the act even if they were here more than 10 years; and regardless of the fact that they may have a parent, a spouse, or a child in this country, they would be deportable mandatorily. Whereas, persons who came into this country with no papers, who simply entered this country without any formalities, would be far better off. Their entrance, although illegal, would not be deemed an involvement of moral turpitude. See how anomalous such a situation is! If there is any guilt, one is as guilty as the other!

Furthermore, if a person came in as a visitor, and outstayed his leave and remained here permanently, the latter would not be involved with the taint of moral turpitude, and such person could remain in this country under the exercise of the discretion of the Secretary of Labor. The provision, therefore, is unduly harsh to those persons who were tricked into the purchase of forged or illegal passports.

I serve warning that if section 2 is stricken out of the bill, I shall vote against it. The witch-burners and alien-baiters, of which, unfortunately, there are many in this House, will seek to eliminate section 2. They probably are the type who always turn up their noses at aliens. They forget that hundreds of thousands of aliens were part and parcel of the American Expeditionary Forces.

America was discovered by one who was endeavoring to find a new passage to the east. Columbus never realized that he had failed to reach the Orient. If he had known the truth, he would have died a dreadfully disappointed man. Nevertheless history rates him as one of the greatest men, because he committed this cardinal blunder. Under this mistake he and the explorers who followed him, however, opened up to the mass populations of Europe avenues of escape from oppression—economic, religious, and political—for many years to come. Many have been the brave souls who came here from Germany, England, France, Russia, Italy, all actuated by the same motives as our immigrants of today. All were determined to escape religious and political torture and to improve their economic and living conditions. To me it seems anomalous when the descendants of the first settlers "turn up their noses" at recently arrived immigrants. These proud and haughty ones, if they were to trace their ancestry back far enough, might find that, although some call themselves Colonial Dames or Daughters of the American Revolution, they may be descendants of those who came from European almshouses and jails. During Colonial times "assisted immigration" was the vogue, if not the accepted practice, in many European nations, which drained their poorhouses and prisons into the Colonies. Over 50,000 criminals were sent to the Thirteen Colonies by Great Britain alone. I often grow impatient when I hear aspersions cast by the descendants of such "indentured" immigrants—particularly upon the recent refugees who come fleeing religious and political persecution, who come here to escape the concentration camps of a Hitlerized Germany, the pillaging and plundering of Polish potentates, the political cruelties of the Italian Fascisti, and the pogroms of Rumania.

I would remind the Members always of the words at the base of our glorious monument, the Statue of Liberty, in New York Harbor, the words of Emma Lazarus:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me;
I lift my lamp beside the golden door.

[Applause.]

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the remainder of the time to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I want to compliment the House on the very fair manner in which this bill has been handled so far today. Those of you who have had experience in Congress know that the flag of action, and sometimes acrimony, is flung freely when we come to the consideration of any sort of an immigration bill. Today we have gone along very nicely. Heretofore we have generally sunk ourselves into a bitter controversy on the fact that each man has taken unto himself some individual case and has allowed that case to guide his course in the consideration of this great question.

Immigration is one of the really great national questions. There has not been a platform, Democratic or Republican, for 30 years that has not had a plank in it concerning immigration. The political parties have taken their positions because of the importance of this great question. Just before the World War there came into this country 1,285,000 aliens legally in 1 year, and no doubt that many more came in illegally. Even after the World War, in 1920 and 1921, there came into this country legally 900,000 aliens, nearly a million, and no doubt that many more came in illegally. Immigration was a great question then and it is now. We cannot afford to decide our course on just one individual case.

The gentleman from Alabama read some very outstanding nasty cases on the list of those cases which may be stayed. We all agree that all such cases should be deported. On the other hand, you, yourselves, know of some cases which, in your opinion, should be stayed. These individual cases should not sway us to a course that is inimical to the best interests of the country.

One thing we must remember is that an alien has no rights whatever in this country until he gets here, and then he only has those rights which we grant him. All he has is privileges. We give him the privilege of coming here, and we give him the privilege after he gets here of owning property and having the protection of all our laws, and we give him the privilege of obtaining the choicest of all American blessings, American citizenship. We have always shown due respect toward law-abiding aliens, and we ought to continue to do so, because the forefathers of most of us two or three generations ago were aliens. Certainly, we are a nation made up primarily of the children, the grandchildren, and the great grandchildren of aliens.

But we must not today as Congressmen surrender to the woman down in the Department of Labor or the man who may succeed her, or anybody else, our right to determine who should stay here. We ought to lay down a yardstick to guide that individual. [Applause.] We should lay down in exact language just who is entitled to consideration from being deported.

Now, we ought not to be misled by the statement that the American Federation of Labor thinks this way or that way about this measure. I speak after having consulted the representatives of the American Federation of Labor, and I am sure this group will be satisfied with what we do if we appreciate the fact they are primarily interested in giving a job to an American as against someone from some other country. This is their primary interest. They have been of most valuable assistance to me on the occasion of all the contests that I have made on this floor seeking to guard the gates.

The American coalition represents the American Legion and about 100 other organizations and they have come out

absolutely against some provisions of this bill. They do not say that the bill should be defeated in its entirety, but they say that if certain provisions remain in the bill, then the entire bill should be defeated. We ought to be wise enough and we ought to be surgeons enough, like the distinguished surgeon from New York, who spoke a few moments ago, to cut out the cancer in this measure. Now, where is the cancer? I will show you. Take, for instance, the first four provisions of the Dies bill. They provide that certain people shall be mandatorily deported, but on page 3 of the bill you will see a little "3" in parenthesis, in line 8, where the bill provides that nobody will be excluded except those included in "(3)" of his bill, and that only applies to those who are deportable for unlawful use of narcotics. I appeal to you that the gunman, under one provision of his bill, or a man who has committed a felony, can, under this bill, come up before Miss Perkins for clemency. It is foolish for us to write in a bill that such-and-such a class should be mandatorily deported and then have a provision of that sort that nullifies the whole thing. It is just like Dr. SIROVICH said, any vicious alien criminal in this country ought not to be allowed to beg for amnesty, should not be put in position to claim it. He ought not to be allowed amnesty.

Now, let us go over to the last page, if you have any doubt as to who is the father of this bill. If you have any doubt as to whose hand is in the writing of this bill, to some extent at least, read section 9. Section 9 gives to Miss Perkins the right to save from deportation 100 people whom she may select. Why give her the right to save 100? Why not save 1,000, or why give her any right at all? Why should we do that? I say to you that this shows the result of too extravagant compromise in this bill. Gentlemen, if you pass this provision allowing her full discretion on thousands of aliens who are desperate, you will have to give an account of your action to the American people.

We should hold this privilege of exercising discretion down to a narrow, well-defined course. There are in this country many aliens who should be deported. There are many who are being deported every year, but there are some we cannot deport, because we have no legislation that will warrant it. Of all the people who should be deported, the first is the gunman. I have heard for years the gentleman from Illinois [Mr. SABATH] speak about this class. The gentleman from Illinois and myself may not agree generally on these propositions. We have generally been on opposite sides, but I have heard him for years speak in committee about sending the gunman out of the country. Certainly this ought to be done, but we cannot send the gunman out now. Under the terms of section 1 of this bill we can send him out. Why then spoil it all by adopting another section under the terms of which he is not mandatorily deportable but he can ask amnesty or clemency from Miss Perkins? This provision should be stricken out of the bill and the last paragraph on the last page of the bill should go out also. She ought to be ashamed to come here and ask the Congress to grant her authority to allow anybody under such circumstances to remain in this country. We know how to legislate on immigration. We have been doing this for years, and I want to say to you that the history of the activities of Congress over the last 15 or 20 years in their handling of these important immigration matters is a history replete with a show of fine legislative acumen and fine legislative accomplishments.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for a question?

Mr. JENKINS of Ohio. I yield.

Mr. SIROVICH. Section 9, that the gentleman refers to, states that the Secretary of Labor is only to permit people to remain here whose presence in the United States will promote the cultural, educational, and industrial interests of the people of the United States. Are they gangsters or racketeers?

Mr. JENKINS of Ohio. I do not yield further. I may say in reply to that statement that the same people that the gentleman from Alabama [Mr. STARNES] read the his-

tory of are on the list to be considered worthy to be kept in this country and to be granted amnesty. Do you think we ought to pay any attention to any bureaucratic organization that would recommend cases like the gentleman from Alabama [Mr. STARNES] read about and say that they should come within this class that the gentleman refers to? They have held that this class of people come under the class of people needed in this country. I refuse to accept this appraisal as to who should be permitted to stay and as to who should be deported.

Certainly we ought not to grant such power to any department. It would open up the question to the greatest political activity we ever saw; but just as soon as we put our foot down on this proposition and say that we will not have any more of these individual bills, then you gentlemen who represent municipalities that have a large number of foreigners will not be bothered about introducing such bills for them. Let us lay down a formula. What should it be? Let us not be mealy-mouthed about it. What are you going to allow this amnesty for? Not because of this provision in the bill a man may have been a resident here 10 years. I repeat that any man who has been here 10 years who has not made any effort to become a citizen of the United States has nothing to recommend him as a candidate for amnesty or for citizenship.

Mr. LANZETTA. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. No; I cannot yield now. He has nothing to recommend him unless he has what we all recognize—a family, a wife, or a child who is an American citizen.

Mr. LANZETTA rose.

Mr. JENKINS of Ohio. I cannot yield. The gentleman should not interrupt me.

Mr. LANZETTA. For the purpose of correcting the gentleman.

The CHAIRMAN. The gentleman from Ohio refuses to yield.

Mr. JENKINS of Ohio. The gentleman has no right to interrupt me. I want to be fair, as fair as I can be. Getting back to my original proposition, what should we do? If you agree we ought not to give a man amnesty simply because he has been here a certain length of time, let us get down to the real reason why he should be granted amnesty. It is because he has a wife, and a wife who is an American citizen. It is because he has a child, born in the United States. It must be a child born on American soil. Any child, it makes no difference who its parents are, who is born on American soil has the right to American citizenship. Certainly we would not send such a child out of the country today. But if that child should be unfortunate in its parentage we cannot because of the child permit the parents to violate the law. When a family is so unfortunate as to have as its head a criminal our law-enforcing officers come and take him away from his family and incarcerate him in a State's prison at hard labor for life, and sometimes they take him to the electric chair. We pity the child but the majesty of the law must be upheld. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DICKSTEIN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I rise to call the attention of the House and the gentleman from Ohio [Mr. JENKINS] to the fact that section 2 begins with the word "except", and that word "except", as I interpret it, means that all of that section down to line 9, on page 3, are out of the purview of the discretion of the Secretary of Labor, and aliens coming within those provisions must be deported.

Mr. JENKINS of Ohio. Yes.

Mr. MASON. And then the Secretary of Labor may permit to remain in the United States any alien if not subject to deportation, if the balance—and the discretion is in respect to the balance. The discretionary power is not in all of those following that word "except" down to line 9 on page 3.

Mr. JENKINS of Ohio. Mr. Chairman, the gentleman is absolutely right. The things excepted, all down to line 8 on page 3, you will find in section 1 of this act. Why did not he say section 1? He says section 1, paragraph (3), and that is the only one excepted. The rest are included.

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Chairman, about 8 years ago I asked to become a member of the Committee on Immigration. When one asks for something of that kind, he does it for a reason. My reason for asking to become a member of this committee was because of a request made to me by women who are mothers of children, in order to hold their husbands from being deported, or, not necessarily deported, from being compelled to go back to their native country and then being permitted to return. I thought the proper thing to do was to have a bill similar to this. You could not introduce a bill and say that any alien who is here illegally, who shall marry an American woman, may be permitted to stay, and you could not say that a man who has an American child should be permitted to stay. So it was necessary to put the discretion in the hands of someone. And I say to you on this side of the House that I was ready to permit the Republican administration to have that discretionary power. When some of you on this side criticize Miss Perkins, when some of you criticize Mr. Ickes, when some of you criticize Mr. Hopkins and other members of the administration, you might just as well come out altogether and say that you discredit the Roosevelt administration, because that is what you are doing. If you cannot trust an appointee of your President to use discretionary power in a bill of this kind, then I say it is your duty to impeach that member of the Cabinet or that official if you can, and dispense with their services.

They speak of some people who have been here for 10 years and yet have made no effort to become American citizens. That is true. They are unable to make application to become American citizens, because the minute they do they are subject to deportation. The gentleman from Kentucky says that the aliens come here and yet when war breaks out they all claim exemption. The records of the World War will show you that 90 percent of the aliens in this country at that time who answered questionnaires volunteered. I venture to say there were a million aliens in our Army who volunteered in the World War. They were willing to defend this country. Let me show you the peculiar thing about this immigration law. There is a gentleman in my district, a man in Maryland, who cannot be deported, due to the fact that he was here before 1924 and married an American girl. Yet he cannot obtain his citizenship papers. Nevertheless that gentleman is in the Navy and has served three terms. Here is a man who was here illegally, who cannot be naturalized, and who is in our own military force.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. BRADLEY].

Mr. BRADLEY. Mr. Chairman, the general provisions of this bill are admirable, but I would like to point out to the Members of the House the language on page 3, so that they will be under no misapprehension that in voting for this bill they are going to grant relief to numerous meritorious cases in which they are interested, because under the provisions of this bill they are specifically excluded. Section 2, subdivision (a), definitely excludes certain cases in connection with the violation of the immigration laws. On page 3 one of the exceptions is with reference to one of the provisions of the act of February 5, 1917. The Department of Labor informs me that any case which involves moral turpitude in connection with entry papers will be excluded from the provisions of this act. For instance, none of the cases in the omnibus bill which was before this House 2 weeks ago would be eligible under the provisions of this act. My attention was directed

to it for the reason that in my own district I have a case of this kind. A woman born in Scotland came here under the quota number of her sister. She signed an affidavit that she was her sister. After coming here she married a naturalized American citizen. When he learned the circumstances surrounding her entry he voluntarily revealed the facts to the immigration authorities. She has three children born here, the oldest about 3 years of age. Under the provisions of this bill she would get no relief because of the mere fact that she signed an affidavit. The warrant for her deportation specifically sets forth that she has been guilty of a crime involving moral turpitude.

The Department of Labor informs me that none of these cases would be eligible for the discretionary authority given to the Secretary of Labor under the provisions of this bill. I think that is something which you, who are of the opinion that these cases in which you are personally interested would be covered by this bill, should know. It does not include them. It specifically excludes them. Those are the most meritorious cases. Many of them are here through the wrongdoing of American officials abroad, taking money from these poor people, persuading them to sign an affidavit, and allowing them to enter this country illegally. They will get no relief under this bill. I hope the Committee will see fit to incorporate amendments to take care of those cases in which there were affidavits and which the Department of Labor says constitute crimes involving moral turpitude. It places them in the same category as gunmen, murderers, and racketeers. I do not think it is just. I would like the Members of this House to know that the best cases are not included in the provisions of this bill. If the committee does not introduce an amendment, I intend to do so.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DICKSTEIN. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, the gentleman from Ohio [Mr. JENKINS] stated a few moments ago that for years, as a member of the Committee on Immigration, I advocated the deportation of alien gunmen. In that the gentleman is correct. He is also correct in the statement that we have not always agreed on this important question. For the 30 years I have urged not only the deportation of gunmen, but all alien criminals.

The majority of the provisions in our immigration law, if not all, which provide for deportation, are provisions that I have aided in drafting, in conjunction with originally the greatest restrictionist in the United States, the gentleman from Alabama, the late Honorable John L. Burnett, who for 4 years was chairman of the Committee on Immigration, and who, after years of study, experience, and knowledge obtained on the subject and problems of immigration, realized that in the first few years of his service he was misled by professional restrictionists who misstated the facts to him. I regret that notwithstanding the long service of the gentleman from Ohio [Mr. JENKINS], he is still utilizing figures as to the thousands of immigrants in the United States who are here illegally and in violation of the law. The facts are that there is only a nominal number here in violation of the law. Those who are here have demonstrated that they have made good not only in time of peace but also in time of war. I have urged, and I have demanded the deportation of those who have not made good, because we do not desire, and we do not want them here.

On the other hand, there are some men who came in illegally who have been unable to become citizens, through no fault of their own, and many others who came in legally who have become charges, due to injuries which they have received in their employment and who were sent to our public hospitals for a few weeks and who have been reported as aliens receiving treatment in our hospitals, and thus regarded as public charges. Our laws provide that they must be deported. It is for those that I plead, for the innocent women and children who are guilty of no crime

and no offense. I believe due consideration should be granted them.

I yield now to the gentleman from New York.

Mr. SIROVICH. The main contention of our distinguished colleague the gentleman from Ohio [Mr. JENKINS] in his two addresses has been one thing only: Why does not the alien who is here illegally within the last 10 years go to secure his citizenship papers? Is it not a matter of fact that he would be immediately arrested for being here illegally and be deported?

Mr. SABATH. The gentleman is right. The gentleman from Ohio knows this just as well, but unfortunately he fails to state it on the floor.

Mr. Chairman, while this is a very drastic bill I feel that it should be passed. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That an alien who entered the United States either from a foreign territory or an insular possession, either before or after the passage of this act, shall be promptly deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889, 890; title 8, secs. 155, 156), as amended, regardless of when he entered, if he—

(1) Is hereafter convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude for which the alien is committed to an institution as result of such conviction; or

(2) Has been convicted in the United States within 5 years of the institution of deportation proceedings against him of the crime of possessing or carrying any firearm (even if the alien was not sentenced to imprisonment); or

(3) Has been convicted of violation of any narcotic law of any State, Territory, insular possession, or the District of Columbia; or

(4) Knowingly and for gain encouraged, induced, assisted, or aided anyone to enter the United States in violation of law, or on more than one occasion subsequent to the date of the enactment of this act knowingly encouraged, induced, assisted, or aided anyone to enter the United States in violation of law.

Mr. STARNES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARNES: On page 1, line 10, strike out all of lines 10 and 11, and on page 2 strike out lines 1 and 2 down to and including the word "conviction" and insert the following: "At any time after entry if convicted of an offense which may be punished by imprisonment for a term of 1 year or more, or of a crime involving moral turpitude, said deportation to be made by the Secretary of Labor forthwith at the time he is released from confinement, or is placed upon probation, or is pardoned."

Mr. STARNES. Mr. Chairman, this amendment seeks to restore the original subsection 1 of the bill offered by the gentleman from Texas [Mr. DRES] on March 12, H. R. 5573. That bill provided that at any time after entry the alien is convicted of an offense which may be punished by imprisonment for a year or more, or of a crime involving moral turpitude that he should be deported, whether imprisoned or not. Under the bill H. R. 6391, which we have before us today, we find the provision that the alien must hereafter be convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude for which the alien is committed to an institution as a result of such conviction; in other words, the present bill requires that the crime must have been committed after the enactment of this act, regardless of what that crime was. That is point number 1. Number 2: The crime must have been committed in the United States. It makes no difference as to the nature of a crime involving moral turpitude he committed abroad. Number 3: He must have been committed to a penal institution. These three propositions I think unsound and unwise. I think the original provision offered by my good friend and colleague the gentleman from Texas [Mr. DRES] should be substituted for this subsection 1. Unfortunately, we have too many criminals of our own in this country to provide for and to take care of without having to take care of the criminals from other lands and from other sections. I do not subscribe to the view of certain gentlemen here that the United States of America should be the asylum of every alien criminal under the sun.

Mr. MAHON of Texas. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield.

Mr. MAHON of Texas. Why is it necessary to prohibit the deportation of those who are incarcerated at this time? In other words, the gentleman's amendment would not bring about the deportation of those.

Mr. STARNES. The gentleman fails to catch the distinction. The distinction I am trying to make is that the bill provides that he must be committed. It is often the case that a crime involving moral turpitude is committed, the accused person found guilty, and sentenced to more than a year and a day, but the judge suspends the sentence, and the person is not committed. In cases like that the individual could not be deported.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield.

Mr. PHILLIPS. Do we understand from the gentleman's amendment that some young fellow who, when he was 16 years old, committed some petty crime, we will say, in Italy, England, or some other country, then came over here—

Mr. STARNES. It does not apply. I can save the gentleman all that anguish; it does not apply. It involves only individuals convicted of an offense the punishment for which exceeds more than a year or an offense involving moral turpitude, and after his entry into the United States.

Mr. PHILLIPS. Suppose a theft is committed, does that involve moral turpitude?

Mr. STARNES. That depends upon the gentleman's interpretation of the law. This says if the imprisonment is more than a year or if it involves moral turpitude.

Mr. SCHULTE. Mr. Chairman, I rise in opposition to the amendment.

The language on page 1, line 10, of the bill reads:

Is hereafter convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude for which the alien is committed to an institution as a result of such conviction; or—

The amendment offered by the gentleman from Alabama is one of the most severe amendments that has been offered on the floor of this House within my memory. This means that any alien who has not been a citizen, who has stolen a loaf of bread, 10, 15, or even 20 years ago is mandatorily to be deported. That is the consensus of the opinion of the members of this committee. That is exactly what a great many want to do, but it is likewise exactly what a great many of us do not want to do.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. McCORMACK. It is my understanding that the paragraph of the bill as written strengthens existing law.

Mr. SCHULTE. That is it exactly.

Mr. McCORMACK. Will the gentleman explain that, because I think the Committee would be very interested in that. Will the gentleman show how the recommendation of the committee contained in paragraph 1 strengthens present law and permits the deportation of alien criminals who cannot be reached now?

Mr. SCHULTE. That is it exactly. That is why we are fighting the amendment that has been offered by the gentleman from Alabama.

Mr. McCORMACK. Will the gentleman state wherein this paragraph strengthens existing law?

Mr. SCHULTE. Yes. I read before this language:

Is hereafter convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude.

That does not now exist.

Mr. McCORMACK. Under the present law, as I understand it, there must be a sentence of at least a year and a day?

Mr. SCHULTE. Yes.

Mr. McCORMACK. This means anyone who is convicted of a crime within 5 years. Five years is the law now?

Mr. SCHULTE. Yes.

Mr. McCORMACK. Anyone convicted of a crime within 5 years, and he must have been sentenced to a year and a day before he can be deported?

Mr. SCHULTE. Yes.

Mr. McCORMACK. But under this, if he was convicted of a crime involving moral turpitude he could be deported if he served 3 months, 6 months, 1 year, or 2 years?

Mr. SCHULTE. Yes. Under the amendment offered by the gentleman from Alabama, as I stated before, they can go back any number of years, regardless of the hardship it creates, and deport the alien.

Mr. SIROVICH. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from New York.

Mr. SIROVICH. Does that mean if a man was convicted of a crime involving moral turpitude 30 years ago and served more than a year and a day, according to the amendment offered by the gentleman from Alabama, he could be deported?

Mr. SCHULTE. Absolutely. It is the most drastic and most severe amendment that has been offered on the floor of the House since I have been a member of the committee. I hope the Members of the House will stand by the committee and vote down the amendment.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not take the 5 minutes available to me. I just want to say that the gentleman from Connecticut [Mr. PHILLIPS] has placed his finger exactly upon the defect in the amendment offered by the gentleman from Alabama [Mr. STARNES]. The amendment as drawn says that any alien, any time after he has entered this country, who may first of all have been convicted of a crime for which the imprisonment is a year or more and who may have been convicted of a crime involving moral turpitude, may be deported. That means you can reach back 25 or 30 years and find a man who has purloined a loaf of bread from a grocery store, who has been sentenced for 30 days, and under the provisions of the amendment offered by the gentleman from Alabama deport him from the country.

Certainly it is not within the contemplation of any member of the committee that we want to go that far and reach back into the lives of our citizenry for some trifling offense, shall I say, but involving moral turpitude, and send him out of the country, when after that he may have been a splendid citizen and may have achieved a high station and high standing in the community in which he lives.

I hope the amendment is voted down because it has no place in this bill.

Mr. TAYLOR of Tennessee. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Tennessee as a substitute for the amendment offered by Mr. STARNES: Strike out subsection 1 in lines 10 and 11, page 1, and lines 1 and 2, page 2, and insert in lieu thereof the following:

"(1) At any time within 10 years before deportation proceedings are instituted, is or has been convicted of an offense which may be punishable by imprisonment for a term of 1 year or more or a crime involving moral turpitude which may be punishable by imprisonment or."

Mr. TAYLOR of Tennessee. Mr. Chairman, two speeches have already been made in support of the substitute amendment I have offered. I think that the word "hereafter" should be stricken from the bill, and the substitute I have offered eliminates that word. It also adds that the crime must have been committed within 10 years previous to the institution of deportation proceedings.

Mr. STARNES. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman from Alabama.

Mr. STARNES. It is not necessary under the gentleman's amendment that the individual shall be committed to an institution?

Mr. TAYLOR of Tennessee. No.

Mr. STARNES. The gentleman puts in there simply a statute of limitations of 10 years?

Mr. TAYLOR of Tennessee. That is right.

Mr. STARNES. I have no objection to that whatsoever.

Mr. TAYLOR of Tennessee. The amendment offered by the gentleman from Alabama would manifestly be an injustice, as pointed out by the gentleman from Illinois, because some person who came here 40 or 50 years ago and before our immigration policy became so strict may have committed some offense immediately after his entry, and under the amendment offered by the gentleman from Alabama, of course, he would be subject to deportation. This would work a tremendous hardship. There is no question about the fact that throughout this country there is a strong sentiment in favor of relief for these hardship cases. I was reading a very strong editorial in one of the New York newspapers this morning right along this line.

Mr. SIROVICH. Will my distinguished friend from Tennessee yield for an observation?

Mr. TAYLOR of Tennessee. I yield to the gentleman from New York.

Mr. SIROVICH. It is very gracious on the part of my friend from Tennessee to refer to the attitude of the New York newspapers regarding the humanization of the immigration laws. Every paper in New York wants to see every alien gangster, racketeer, and criminal who has been convicted of a crime deported. Every great editor of our metropolitan press would like to see the enactment of legislation that will humanize the immigration laws and do justice to the alien immigrants who entered this country illegally but who have been loyal, faithful, conscientious, and honest workers in our midst. We should never deport an honest alien and leave behind his American wife and children born here. Such treatment disintegrates the American home. It might interest my friend, Mr. TAYLOR, to know also that a fortnight ago there appeared in the New York Enquirer an editorial written by William Griffin, its publisher, that commands the respect and applause of every lover of religious tolerance. That distinguished editor, who had been appointed by the President on a commission to investigate certain social and economic conditions that were prevalent in European countries, denounced Hitler, Goebbels, and Goering, the triumvirate that are destroying the peace and freedom of the liberty-loving German people. Mr. Griffin predicts that the time is not far distant when the Protestants and Catholics of Germany will rise as a Christian nation and crucify upon the mystic swastika these three renegades of German culture and civilization, and bury them in the sewage of time, as the only treatment that should be accorded to modern tyrants who have persecuted, pilloried, proscribed, and plundered thousands of men and women, all on account of the accident of religious birth.

If nominated, I commend this distinguished publisher as the one man upon whom the democracy of New York might unite, as the next Democratic candidate for the mayorship of New York City. [Applause.]

Mr. TAYLOR of Tennessee. I thank the gentleman for his contribution, and, while I am not an expert on New York politics, I am willing to accept the judgment of the distinguished gentleman from New York, for whom I have the greatest admiration and affection, particularly for his judgment and reasoning. I sincerely trust that my associates on the Immigration Committee will join the gentleman from Alabama in the acceptance of this substitute amendment.

Mr. PHILLIPS. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. Does not exactly the same proposition apply that applied to the other amendment? In other words, if some poor fellow, because he was broke, stole a loaf of bread in Italy or somewhere in France, is convicted, comes over here and has lived an exemplary and decent life for years, nonetheless he may be deported just the same?

Mr. TAYLOR of Tennessee. The time is confined to 10 years previous to deportation proceedings.

Mr. PHILLIPS. But he would still be sent back just the same?

Mr. TAYLOR of Tennessee. Perhaps he ought to be sent back.

[Here the gavel fell.]

Mr. SCHULTE. Mr. Chairman, I rise in opposition to the substitute amendment.

The amendment that has been offered by the gentleman from Tennessee, a member of the committee, is exactly the same, only there is a limitation of 10 years set. It is the same story over again. It means that if within 10 years a man has committed a crime he may be deported, although in the meantime he has married and has a family of four or five children. I appeal to you. If he has stolen a loaf of bread or entered a grocery store for something to eat for those kiddies, under the amendment offered by the gentleman from Tennessee it is mandatory that he be deported.

A great many Members have informed us they are very much in sympathy with these hardship cases.

Then, I say, why not leave the bill as it is? It reads "hereafter convicted."

Mr. CITRON. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I am pleased to yield to the gentleman.

Mr. CITRON. Would this include also the case of an alien Gold Star Mother whose son was killed in the war? In my State we have a number of alien Gold Star Mothers who are aged and who cannot read or write and therefore cannot become citizens.

Mr. SCHULTE. Absolutely. That Gold Star Mother is placed in the same category as all the rest of them. It is mandatory that she be deported.

Mr. Chairman, if we are going to be kind at all, if we are going to have a heart, after all, they are here. I am going to take the members of the committee at their word. They said they did not want to create any unnecessary hardship; that they wanted to be fair. This being so, as a member of the committee, I ask you to vote down the amendment.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the House has already expressed its opinion with reference to crimes such as will be covered in the section as now written, where it says "hereafter convicted", meaning no crimes except those hereafter committed. While neither the amendment of the gentleman from Tennessee [Mr. TAYLOR] nor the amendment of the gentleman from Alabama [Mr. STARNES] suits me, I am going to go along with both of them. I would like to make a suggestion to the gentleman from Tennessee, and if he will accept it I believe it will satisfy the opposition, at least, as I interpret the statements of those to whom I have listened. It might work an unreasonable hardship if you were to go back on a man's record and dig up a crime he has committed in some other country. Therefore, why not limit it to crimes committed in the United States? If the gentleman would accept this amendment, I think it would probably answer every objection, at least, those I have heard.

Mr. TAYLOR of Tennessee. Mr. Chairman, I will accept that amendment.

Mr. BOILEAU. Mr. Chairman, I rise in opposition to the pro-forma amendment offered by the gentleman from Ohio.

Mr. Chairman, may I suggest to the Members of the House that the language in this paragraph can be amended, I believe, in such a way as to meet most of the objections which have been raised, and still not do violence to the views of the committee? If this substitute amendment is voted down, I propose to offer an amendment reading as follows:

On page 2, line 1, strike out the word "crime" and insert in lieu thereof the word "felony." After the word "turpitude", strike out the balance of line 1 and all of line 2 down to the semicolon, so that the paragraph will read:

Is hereafter convicted in the United States within 5 years of the institution of deportation proceedings against him of a felony involving moral turpitude.

I do not believe we should permit the language to remain as it is now written in the bill. The bill now provides that

conviction of any crime involving moral turpitude subjects the person to deportation provided the alien is committed to an institution as the result of such conviction. This leaves too much latitude in the hands of some penny-ante judge or some police judge, for instance. Anyone might be confronted with a charge of committing any crime, whether it is a felony or a misdemeanor, in which moral turpitude is involved. The court might sentence such individual to pay a fine of \$10 or spend 3 days in jail. If the individual charged with the offense should happen to have the \$10 and paid the fine, and did not serve the 3 days in jail, he would not be subject to deportation. However, another individual might commit the same crime under the same circumstances right along with the other person and might be picked up by the police officer at the same time. He might be given the same sentence by the judge of \$10 or 3 days in jail, and if he did not happen to have the \$10 and therefore was forced to serve 3 days in jail, he would be subject to deportation.

This is a discrimination in the bill which I do not believe the committee wants. Therefore it seems to me we should limit this provision to felonies only, and then provide that a person who commits a felony involving moral turpitude shall be subject to deportation whether he has money enough to pay his fine or not. This will put them all on the same basis. You know and I know that many people are convicted of felonies and misdemeanors in which large fines are involved, as much as \$1,000 fine, for instance, or 6 months in jail. People who have been making a lot of money out of their graft and who have money in their pocket can pay their \$1,000 fines, but the poor individual who has not been doing that long enough, or for some other reason does not have the money, not being able to pay the fine, would be forced to take his 6 months' sentence in lieu of the payment of the \$1,000 fine, and thus would be subject to deportation, whereas the individual who had the money to pay the fine would not. This, despite the fact that both committed the same offense, and, perhaps, one might even have involved a greater violation or greater moral turpitude than the other.

If the pending amendment is turned down, I propose to offer such an amendment.

[Here the gavel fell.]

The CHAIRMAN. Does the gentleman from Ohio [Mr. JENKINS] desire to submit the amendment he discussed a moment ago?

Mr. TAYLOR of Tennessee. I accepted the amendment, Mr. Chairman.

Mr. JENKINS of Ohio. The gentleman from Tennessee accepted my amendment.

The CHAIRMAN. No action has been taken except the statement of the gentleman from Tennessee. The Chair is now inquiring whether or not the gentleman from Ohio desires to offer his amendment?

Mr. JENKINS of Ohio. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Tennessee [Mr. TAYLOR]. The amendment is, after the word "offense" in the second line, insert "committed in the United States"; and, after the word "crime" in the third line, insert the words "committed in the United States."

The CHAIRMAN. The Clerk will report the amendment offered to the substitute amendment.

The Clerk read as follows:

Mr. JENKINS of Ohio moves to amend the substitute amendment as follows: After the word "offense", in line 2 of the substitute amendment, insert "committed in the United States"; and, after the word "crime" in the third line of the substitute, insert "committed in the United States."

Mr. PHILLIPS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PHILLIPS. Mr. Chairman, would there be any objection to the Clerk reading the entire substitute amendment as it is now proposed to be amended?

The CHAIRMAN. Without objection, the Clerk will report the substitute amendment as it would be amended if the amendment offered by the gentleman from Ohio were adopted.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Tennessee as a substitute for the amendment offered by Mr. STARNES: Strike out subsection 1 in lines 10 and 11 on page 1, and lines 1 and 2 on page 2, and insert in lieu thereof the following:

"(1) At any time within 10 years before deportation proceedings are instituted is or has been convicted of an offense which may be punishable by imprisonment for a term of 1 year or more, or of a crime involving moral turpitude which may be punishable by imprisonment; or."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Ohio, Mr. JENKINS, to the substitute amendment offered by the gentleman from Tennessee, Mr. TAYLOR.

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 58, noes 76.

So the amendment to the substitute was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Tennessee.

The question was taken; and there were on a division (demanded by Mr. TAYLOR of Tennessee)—ayes 62, noes 80.

Mr. TAYLOR of Tennessee. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. DICKSTEIN and Mr. TAYLOR of Tennessee.

The Committee again divided; and the tellers reported that there were—ayes 69, noes 118.

So the substitute amendment was rejected.

Mr. BOILEAU. Mr. Chairman, I offer a substitute amendment.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. It is my recollection that the gentleman from Alabama accepted the amendment of the gentleman from Tennessee, and my inquiry is whether or not that is a fact or whether the Chair submitted the matter to the Committee on the statement of the gentleman from Alabama that he accepted the amendment of the gentleman from Tennessee.

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that a statement by a Member offering an amendment that he accepts the amendment is not the action of the committee, and the amendment must be submitted for action by the committee.

Mr. McCORMACK. The gentleman from Massachusetts thoroughly agrees with the Chair, but my question was whether or not the Chair had submitted to the committee the question of the acceptance of the amendment, and, if so, of course, that would preclude the consideration of the amendment offered by the gentleman from Alabama.

The CHAIRMAN. The amendment now pending is the amendment offered by the gentleman from Alabama.

Mr. McCORMACK. In other words, while the gentleman from Alabama said he accepted the amendment, nevertheless it was not accepted by the committee.

The CHAIRMAN. Committee failed to adopt the amendment offered by the gentleman from Tennessee to the amendment offered by the gentleman from Alabama.

Mr. McCORMACK. My inquiry is made so that we may understand the parliamentary status.

The CHAIRMAN. The Clerk will report the substitute amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU as a substitute for the amendment offered by Mr. STARNES: Page 2, line 1, after the article "a" strike out the word "crime" and insert in lieu thereof the word "felony", and after the word "turpitude", strike out the rest of line 1 and all of line 2, down to the semicolon.

Mr. BOILEAU. Mr. Chairman, this is the amendment I referred to a moment ago. It strikes out the word "crime" and inserts in lieu thereof the word "felony", so that you cannot deport for a misdemeanor, but for a felony involving moral turpitude. The amendment strikes out the provision following the word "turpitude", which reads as follows: "for which the alien is committed to an institution as a result of such conviction." In other words, under the language

now in the bill it all depends upon whether or not the man is able to pay his fine as to whether or not he may be deported. The amendment puts them all in the same category and raises the requirement from a misdemeanor to a felony and also strikes out the provision which would provide different treatment with respect to those who are given a jail sentence and those who are not.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, looking at these questions, as I do, from a broad and liberal angle, I think my position in this respect is understood; nevertheless, I cannot agree with the amendment offered by the gentleman from Wisconsin, particularly insofar as the amendment strikes out the word "crime" and substitutes the word "felony."

All lawyers know that there are two types of crime—felonies and misdemeanors—and there are two divisions or two types of misdemeanors, one *malum in se* and the other *malum prohibitum*.

Malum in se describes the type of misdemeanor that involves intent, where in order to find the defendant guilty the Government must establish that the defendant intended to commit the crime—entertained an "intent." "Intent" is a necessary element in that type of cases, just the same as intent is a necessary element in a felony. The element in crimes involving moral turpitude centers around the question of whether or not "intent" is necessary in order to establish the fact that such a crime has been committed. The amendment of my friend from Wisconsin [Mr. BOILEAU] opens the door to a type of criminals guilty of a crime involving moral turpitude remaining in this country who should be deported.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. BOILEAU. I have not stricken out the words "involving moral turpitude."

Mr. McCORMACK. But the gentleman changes the word "crime" to "felony", and he confines the application of moral turpitude to crimes which are only felonies, when certain misdemeanors involve the element of moral turpitude.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. DIES. If this amendment is adopted, it will practically destroy the effectiveness of this division.

Mr. McCORMACK. To a great extent, that is my understanding. So far as the other aspect of the gentleman's amendment is concerned, I appreciate the logic of his argument, and I address myself only to such portion of his amendment as tends to strike out the word "crime" and substitute therefor the word "felony."

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. MAVERICK. If a man were convicted of being drunk, which is a misdemeanor, he would be guilty of a deportable offense?

Mr. McCORMACK. No; that is *malum prohibitum*. The mere fact that the man is drunk constitutes the crime; the Government does not have to prove the intention to become drunk. Similarly, in traffic, if you go by a red light, the Government does not have to prove an "intent" to do so.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. KELLER. Is it not true that in various States there is such a mixture of interpretation in the matter of moral turpitude that one cannot tell what this law means?

Mr. McCORMACK. Oh, no. The law involving moral turpitude is pretty generally established.

Mr. KELLER. The gentleman's State and New York will not agree on that, and the gentleman's State and North Carolina will not agree on that.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on the adoption of the substitute amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected. The CHAIRMAN. The question now is on the amendment offered by the gentleman from Alabama [Mr. STARNES].

The question was taken, and the amendment was rejected.

Mr. DICKSTEIN. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 10 minutes.

Mr. BOILEAU. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. A motion is pending offered by the gentleman from New York, chairman of the committee.

Mr. DICKSTEIN. Mr. Chairman, I desire to amend my motion. I ask that all debate upon this section and all amendments thereto close in 15 minutes.

Mr. BOILEAU. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. The gentleman first said he moves that debate close in 10 minutes, and now he asks unanimous consent that it close in 15 minutes.

Mr. DICKSTEIN. Mr. Chairman, then I move that debate close in 15 minutes.

The CHAIRMAN. The Chair understood the gentleman to move to close debate. The gentleman now states he desires to move to close debate. The question is on the motion of the gentleman from New York.

Mr. JENKINS of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JENKINS of Ohio. Does the motion apply to only this one subsection or does the motion of the gentleman from New York apply to the whole section?

The CHAIRMAN. The motion of the gentleman from New York was plainly stated by the Chair, and the gentleman moves that all debate upon this section and all amendments thereto close in 15 minutes. That means the entire section. The question is on the motion of the gentleman from New York.

The question was taken, and the motion was agreed to.

Mr. CELLER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 2, line 5, after the word "of" where it occurs the second time, insert the word "illegally."

The CHAIRMAN. The Chair recognizes the gentleman from New York for 3 minutes.

Mr. CELLER. Mr. Chairman, I have offered an amendment to insert, in line 5, on page 2 of the bill, the word "illegally" before the word "possessing." This amendment should be adopted in all fairness and equity. The Constitution gives us the right to bear arms, and we must recognize that right. I do not want any alien to be deported if he has a firearm in his home, a hunting gun or a hunting rifle and does not use it illegally. Under this section the mere possession of it in his home would involve him in a deportation if he were an alien.

Mr. O'CONNOR of New York. How could he be convicted if it did not happen illegally?

Mr. CELLER. It might be that a man were deportable even if he were not convicted, under the reading of this section.

Mr. O'CONNOR of New York. Oh, no.

Mr. CELLER. I respectfully disagree with the gentleman.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. BOILEAU. Is not the language in paragraph 2 so broad that a man might be convicted of violation of a village ordinance and still be subject to deportation, although he might be fined only \$1?

Mr. CELLER. I quite agree with the gentleman, and I think the use of the word "illegally" would clarify the situation and make it eminently fair. Otherwise this statute will be interpreted in such a way as to create a distinct hardship.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WALTER. Under the law of the State of Pennsylvania an alien is not allowed to possess a firearm of any sort, even though it be a hunting rifle. The mere possession of this rifle would make him liable to deportation if the law is as it is written in this bill.

The CHAIRMAN. The time of the gentleman from New York [Mr. Celler] has expired.

Mr. SCHULTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment offered by the gentleman takes the very heart out of this bill. It takes away the very thing that we are trying to do, that is, take guns out of the hands of the gangsters. What right has any person to carry a gun? I doubt if there is a Member of Congress who has ever carried a gun in his life. Then why should we sanction anyone carrying a gun? For what purpose? If a man carries a gun, he has some ulterior motive in carrying it. The very reason we want this bill is to take the guns out of the hands of racketeers and gangsters and to deport them. With this law on the statute books, if he is in possession of a gun he knows it is mandatory that he be deported. That is what the Members of this Congress want. For that reason I ask you to vote down this amendment.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. HALLECK. Can the gentleman conceive of any situation under which an individual could be convicted of the crime of carrying or possessing a firearm, except that the carrying or possession be illegal and in violation of some statute?

Mr. SCHULTE. That is the point exactly.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. KENNEY. I understand in the State of New York you may not have a gun even in your own home. That would apply to a farmer who is living out in the country. If a gun were found in his home and he were convicted, he could be deported under this act.

Mr. SCHULTE. That is right, if he is not a citizen.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. BOILEAU. If in some community some village ordinance prohibited the possession of firearms and someone was arrested for having a rifle or shotgun and was brought into court and the justice of the peace said to this man, "This is not a very serious offense. You plead guilty and I will fine you a dollar and costs." He pleads guilty rather than have a lot of trouble, whereas, as a matter of fact, he is not guilty of any offense. Then he would not only be subject to deportation, but because he would be convicted he would be forced out of the country?

Mr. SCHULTE. But the gentleman must keep in mind that we are trying to take the guns away from the fellows who are committing crimes.

Mr. BOILEAU. But this might be a shotgun that this farmer used to shoot rabbits. Why not limit this to a violation of a State law, or something like that?

Mr. SCHULTE. Mr. Chairman, I do hope the Committee will vote down this amendment offered by the gentleman.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. Schulte] has expired.

The question is on the amendment offered by the gentleman from New York [Mr. Celler].

The amendment was rejected.

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 2, line 15, after the word "law", add a new paragraph, to be known as subsection 5, and to read as follows:

"Knowingly advocates or promotes communism, fascism, or nazism, or the overthrow by force and violence of the constitutional and republican form of government in the United States of America."

Mr. FISH. Mr. Chairman, this is the first time in 15 years we have had a deportation bill before the Congress of the United States. It seems to me that an amendment of this kind is distinctly in order. If these Communists,

Fascists, or Nazis or alien radicals or alien conservatives do not like our country, our laws, and our ways of doing things, all they have to do is to go back home. But if they insist on remaining here and spreading their doctrine of hatred and poison against our free institutions and our republican form of government, it is the duty of the Congress of the United States to enact drastic deportation laws, to send these alien agitators home and give their jobs to loyal American citizens now walking the streets looking for employment.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. BARRY. Under the proposed amendment any alien who agrees with the ideas of President Roosevelt might be deported by a good many Members of the gentleman's party. [Applause.]

Mr. FISH. If the gentleman thinks that the Communists and the Socialists are for the President, he is right, they are; but I do not believe myself that the President is a Communist or that the Democratic Party is affiliated with the Communist Party, but is a beneficiary of it. I do say, however, that this particular amendment would send back to their native lands the alien Communists, Fascists, and Nazis who advocate the overthrow of our Government by force and violence, and would have the support of the American Legion, the Veterans of Foreign Wars, the Catholic Church, and probably the American Federation of Labor, and of all patriotic organizations in our country.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York has advocated for years the deportation of anybody who dared to say anything, even though they did not do any more than talk. He has favored that before the Rules Committee and advocated it. I have always taken the position that I would permit anybody to stand even on the Capitol steps and say anything that they wanted until they committed an overt act [applause], call him Communist, Socialist, or what you please. There is no place in the world where they would suppress free speech to that extent, and this ought to be the last spot on the globe where free speech is suppressed even though it be uttered by a Communist or a Socialist.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Fish].

The amendment was rejected.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 2, line 15, after the word "law", add a new subsection, to be known as subsection 5 and to read as follows:

"Has been convicted of and sentenced to a penal institution for a violation of the Mann White Slave Act."

Mr. WALTER. Mr. Chairman, the adoption of this amendment would leave no doubt as to what would happen to the most vicious type of criminal in the United States.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield for a question?

Mr. WALTER. I have not the time.

Mr. SCHULTE. Is not this already in the law?

Mr. WALTER. No; this is not in the law.

Mr. Chairman, just recently a gang was broken up in New York whose operations extended throughout the length and breadth of the eastern part of the United States, one of the most vicious gangs ever engaged in any sort of racket. The reading of the accounts of the arrests and convictions of these people discloses only alien names. Whether others than aliens were involved I do not know; but I have been informed that in the eastern part of Pennsylvania, up and down the Lehigh Valley, agents of these gangs have been in operation for years, and that every man engaged in this nefarious work is a foreigner, an alien of some sort. If these people are convicted, it seems to me that the thing to do is to chase them away from our borders immediately, for certainly they

are a type of individual that we do not want. All of us are interested, and it is our patriotic duty to drive from our shores alien criminals, particularly of the vicious sort my amendment is aimed at.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Chairman, I rise in opposition to the amendment. I call attention to the fact that violation of the Mann White Slave Act is itself moral turpitude, and we have already provided for moral turpitude in no uncertain manner. If there is one thing above others that involves moral turpitude, it is a violation of the Mann White Slave Act. Specific mention of this particular act will be useless legally, although it may invite blackmail and persecutions. I think that we are just cluttering up this bill and that the amendment, therefore, should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

Mr. JENKINS of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio: Page 2, line 10, strike out the words "and for gain."

The CHAIRMAN. The gentleman from Ohio is recognized for 2 minutes.

Mr. JENKINS of Ohio. Mr. Chairman, this amendment simply proposes to strengthen the bill. As the Dies bill stands now no alien could be sent out for assisting someone else to come in in violation of the law unless he did it for gain and profit. I think we should take out those words "for gain", because nearly everybody who assists another to come in is a relative and, of course, does his work free; and if he be not a relative, he would never admit that he did it for gain. You could never convict anybody on that proposition. You could never get the proof. Why not strike out those words "for gain"? They never were in the law before. I think about the meanest man in the country would be the man who has already stolen his way into this country, who will not become an American citizen, and who spends his time trying to help somebody else steal his way in unlawfully. I think this language should go out. I hope it does.

Mr. SCHULTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, that is already in the bill and is covered twice by the phrases "knowingly" and "for gain"; so in striking out the words "for gain" the gentleman is striking out one of the very things we want left in. As this provision now stands it gives us two reasons.

I hope that the Committee votes down the amendment that the gentleman has offered.

Mr. DOWELL. May I suggest if we leave these words in, we will find when we come to trial we will not be able to prove the gain. You will be able to prove the other part, but in order to get a conviction you will be obliged to prove the gain, and it will be impossible to secure a conviction. It is a matter of legal procedure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. JENKINS].

The question was taken; and on a division (demanded by Mr. JENKINS of Ohio) there were—ayes 80, noes 85.

So the amendment was rejected.

Mr. BOILEAU. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 2, line 3, strike out all of paragraph (2) and insert in lieu thereof the following:

"(2) He has been convicted of a violation of the law of any State, Territory, insular possession, the District of Columbia, or the United States, prohibiting the possession of certain types or kinds of firearms, or the carrying of concealed weapons; or."

The amendment was rejected.

Mr. MASSINGALE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MASSINGALE: Page 2, line 10, after the word "for", insert the word "financial."

The amendment was rejected.

Mr. FISH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 2, after line 15, insert a new paragraph, as follows:

"(6) Who has visited Soviet Russia to secure training in communistic doctrine."

The amendment was rejected.

Mr. O'BRIEN of Michigan. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. O'BRIEN of Michigan: Page 2, line 5, after the words "crime of", insert "feloniously."

The amendment was rejected.

The Clerk read as follows:

SEC. 2. (a) Except an alien deportable under the act of October 16, 1918, entitled "An act to exclude and expel from the United States aliens who are members of the anarchist and similar classes", as amended by the act of June 5, 1920 (40 Stat. 1012; 41 Stat. 1008; U. S. C., title 8, sec. 137), or the act of May 26, 1922, entitled "An act to amend the act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes', approved February 9, 1909, as amended" (42 Stat. 596; U. S. C., title 21, sec. 175), or the act of February 18, 1931, entitled "An act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics" (46 Stat. 1171; U. S. C., title 8, sec. 156a), or the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States" (39 Stat. 874; U. S. C., title 8, sec. 156), relating to criminals, prostitutes, procurers, or other like immoral persons, or section 1 (3) of this act, the Secretary of Labor may permit to remain in the United States any alien found subject to deportation if he—

(1) Has lived continuously in the United States for a period of not less than 10 years; or

(2) Has lived continuously in the United States for at least 1 year and has living in the United States a parent, spouse, legally recognized child (or, if the deportable alien is a minor, and not otherwise falling within either paragraph (1) or (2) of this subdivision, he has a brother or sister) who has been lawfully admitted for permanent residence or is a citizen of the United States.

(b) Not more than 3,500 aliens shall be permitted to remain pursuant to subdivision (a) of this section during the first year following its enactment and not more than 1,500 for each succeeding year: *Provided*, That no alien shall be permitted to remain in the United States under subdivision (a) of this section after the elapse of 4 years from the enactment of this act. Not later than the 1st day of February for each year following the date of the enactment of this act, the Secretary of Labor shall submit to the Congress a report giving the name of each alien permitted to remain in the United States pursuant to this section in the preceding calendar year, together with a brief statement of the facts in the case.

(c) Any alien not ineligible to citizenship as to whom there is no record of admission for permanent residence who has been permitted to remain in the United States in accordance with subdivision (a) of this section shall be recorded as admitted to the United States for permanent residence as of the date of the order permitting him to remain upon payment of a fee of \$18 to the Commissioner of Immigration and Naturalization, which fee shall be deposited in the Treasury of the United States as miscellaneous receipts.

Mr. SCHULTE. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. KENNEY. Mr. Chairman, I object.

Mr. SCHULTE. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 30 minutes.

The motion was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 2, line 16, strike out all of section 2.

Mr. SMITH of Virginia. Mr. Chairman, I have had a bill pending before the Immigration Committee for something like 2 years which has for its purpose purely the deportation of criminal aliens. That is a subject in which I believe we are all very much interested. We are all, theoretically at least, in favor of the deportation of criminal aliens who are

continually stirring up trouble in this country. If you will adopt the amendment I have just offered, which strikes out section 2, you will have then stripped this bill down to a bill which has for its purpose the deportation of criminal aliens and it will remove the controversial feature which, if it remains in the bill, will ultimately result in its defeat. So that you will not get a bill through this Congress which has purely for its purpose the deportation of criminal aliens.

Last year I offered an amendment to a bill which was being considered by the House which amendment had for its purpose the deportation of criminal aliens, but the chairman of the Committee on Immigration made a point of order against the amendment. As I said before, we all, theoretically at least, favor the deportation of criminal aliens.

Mr. Chairman, section 2 is the section that has caused all the controversy about immigration legislation in this House for 3 or 4 years. We all know there are a number of aliens in this country who are subject to deportation, and we all know that the immigration authorities, in defiance of the law, have failed to carry out the mandate of the Congress that those people be deported. The purpose of this section is to permit a certain amount of power and permit a greater amount of discretion to be lodged in the immigration authorities so that these people who have come here unlawfully and have remained here unlawfully may profit by their wrong and continue to stay in the country.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. FITZPATRICK. Would the gentleman take an alien who is here illegally or unlawfully, who has married an American citizen, and there are two or three children involved, and deport him?

Mr. SMITH of Virginia. May I say to the gentleman I am more interested in the people who were born in this country and the people who are citizens of this country than I am in the others. This sob stuff with reference to hardship cases involving a few people who came here unlawfully and illegally, mostly through fraud, does not appeal to me.

I would rather be hard-hearted once or twice.

Mr. FITZPATRICK. I agree with the gentleman in regard to the criminals.

Mr. SMITH of Virginia. I am answering the gentleman's question, and will not yield further.

I would rather be hard-hearted with a few of these people and accomplish the great good we would accomplish for the great masses of the people of this country by getting rid of the people who are here unlawfully and who have no business here. If you will adopt this amendment, you will have reduced this bill to the one proposition, the deportation of the criminal aliens. I challenge any Member of this House to say he does not favor it.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. MAVERICK. Does the gentleman think the deportation of a few thousand aliens would help the great masses of the American people, 130,000,000 people?

Mr. SMITH of Virginia. Yes; I think it would be a great help, because you cannot pick up a newspaper today without finding where all this agitation is going on and where all this crime is going on, without finding some of these aliens hooked up with it. The people of this country are getting tired of it. I would like these people put out of the country. [Applause.]

[Here the gavel fell.]

Mr. DIES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I explained this morning in detail, this section in no sense increases immigration. The only effect of it is to give preference to the alien who is here and subject to deportation, and who has family ties, as against some alien who, for the first time is seeking admittance under the existing quota. There is now a quota of 153,000 from the

quota countries. All the countries in the Western Hemisphere are on a nonquota basis. Therefore, it comes down to the simple proposition that if there is an alien in this country who is subject to deportation, not for the commission of a crime but because he stayed longer than his permit entitled him to stay, or for some other similar reason, you permit him to remain in the United States instead of someone else coming in.

Let me read you an explanation of the kind of cases these are. Mr. Shaughnessy, who has been in the Immigration Service for 20 years and is under civil service, and certainly cannot be accused of being partisan, at my request wrote me this letter, from which I quote:

I find from an examination of a group of approximately 2,000 cases which have been studied that about 92 percent of the aliens involved are persons subject to deportation because they entered without inspection under the immigration laws—

Mind you, prior to 1924 entering the country illegally was no crime.

or because they failed to depart from the United States after having legally been admitted for a temporary period. About 55 percent of these aliens—

The ones they are about to deport—

would leave behind them citizen spouses in the United States, and about 30 percent would leave legally admitted alien spouses behind them.

Something was said about insane people. Let me give you an illustration in the city of Washington. A woman came as a little girl to the United States. She lived here the greater part of her life, then went back to the old country to see her parents. She returned and was committed to an institution for insanity. Under existing law she is subject to deportation because she became a public charge within 5 years after her second entry.

A number of cases have been shown to me by Mr. Shaughnessy, and I am convinced they have merit. They are not cases of criminals, they are cases of people who deserve clemency and consideration. You are not helping the cause of restriction by creating the unfavorable public sentiment in this country which will result when you put 2,500 people aboard a ship, leaving their children and wives behind, when you know that in place of these 2,500 you will have 2,500 more come for the first time into this country. If we really want to promote the cause of immigration, it seems to me it is our responsibility to recognize this great human problem and meet it.

We took out of the Kerr-Coolidge bill provision after provision regarding unlimited discretion, the right to have non-temporary admittance changed to permanent status, as in the case of a student, and so forth. Under the Coolidge bill any such person could be given a visa. There were many other provisions. We have cut these provisions out one after another, and finally have got down to the present bill. [Applause.]

[Here the gavel fell.]

Mr. STARNES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have arrived at the real crux of this bill and the crux of the situation. The House has consistently during the past refused to delegate an unlimited amount of power or discretion to the head of a department where a permanent policy of the Government was involved. You are now about to make a departure from this safe, sane, and salutary policy which you have pursued through these years, and you are about to embark upon a delegation of power to a department head which would enable her to set aside the mandatory provisions of the law and set at naught policies of the Congress.

Mark you this, you are not only taking care of 8,000 aliens who have violated our immigration laws in this bill, but, as surely as God reigns in heaven, eventually you will take care of the 200,000 that Colonel MacCormack estimated would eventually be cared for. On the floor of the House this afternoon some Members have spoken well and have spoken the truth when they said many others would come forward

for this clemency once this law was enacted. You are going to see that happen. Instead of this being a deportation measure, I am telling you again upon my responsibility, you are permitting to stay in this country lawbreakers far in excess of the number these four deportation provisions will take out. Just as surely as you and I live, that is going to happen. It is your responsibility. I say it is a departure from a constitutional democracy; it is a departure from sound governmental principles. You can walk that way if you desire, for that is your prerogative, and I will not criticize you. However, I for one intend to vote against this bill because of the unwarranted delegation of power to a departmental head where an established policy of this Government is concerned. For my part I intend to walk humbly and as upright as I can in the path of constitutional democracy. Any other course violates the dictates of my conscience.

Mr. McCORMACK. Mr. Chairman, in one sense this is the heart of this bill. I cannot agree with the argument made by my distinguished friend from Alabama that this is an unwarranted delegation of power. This bill provides standards. The first Congress of the United States of necessity had to delegate power to some extent, and the proper delegation of power is consistent with the entire history of our country. The delegation of power in this section is a necessary and a proper one. Of necessity from a practical angle, to meet the problems of the day, we have to delegate power. Every legislative body must do this, and this delegation of power carries with it specific standards prescribing the manner in which the power so delegated may be exercised by the Secretary of Labor.

These persons are law-abiding citizens. Every one of our forebears at one time was an immigrant to this country. We want the law-abiding person who is numbered among this unfortunate class to remain here. We want to keep in mind that this does not in any way increase the quota of any of the countries of the birth of any persons who may benefit. Every one of these hardship cases permitted to remain in this country is charged up to the future quota of the country of his or her birth.

This is a humane piece of legislation. In my opinion, it should be passed. I hope that the academic argument of our distinguished friend from Alabama will not be accepted, and permitted to produce the effect of striking out this meritorious and humane provision. I urge, as I hope, the defeat of the pending amendment.

Mr. BRADLEY. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BRADLEY: On page 3, line 7, after the word "criminals", insert: "unless the crime involving moral turpitude prior to entry relates solely to the fraudulent securing of a visa or passport."

Mr. BRADLEY. Mr. Chairman, I shall repeat something that I said in the earlier part of the debate because I see there are a great many Members here who were not present at that time.

In the language on page 3 of this bill there are a great many cases involved in which the Members of this House have an interest that are not covered, but are specifically excluded from the provisions of this measure. Under the regulations and the law enforcement as conducted by the Department of Labor anyone who fraudulently signed an affidavit in connection with a visa or passport is guilty of the crime of perjury and of a crime involving moral turpitude. They are placed in the same class as gunmen, racketeers, dope peddlers, and the like. In the omnibus bill which was before the House 2 weeks ago, and which contained very meritorious cases, the people whom we sought to aid and give relief to by that bill would not be covered by the provisions of this measure. My amendment seeks to take care of such cases. A great many of them, through connivance of American officials who took money from them or accepted bribes, involve the signing of affidavits and thereby they are classed as guilty of a crime involving moral turpitude. I think we ought to differentiate between these

people and gunmen and racketeers and peddlers of narcotics and those who have perpetrated vicious crimes.

I would ask you to bear in mind that these are cases in which a great many of you are personally interested, and if you are of the opinion that the general provisions of this bill will apply to them, you are laboring under a misapprehension. To take care of these cases it will be necessary to pass an amendment such as I have offered, and I therefore ask you to vote for the amendment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY. I yield.

Mr. JOHNSON of Oklahoma. If the amendment of the gentleman were adopted, would it not be an invitation to aliens to come to this country in a fraudulent manner?

Mr. BRADLEY. I do not think so, because the bill provides that the Secretary of Labor has authority within the next 4 years to act in connection with those cases that are already here, and therefore it does not apply to those who may attempt to come in later.

Mr. SCHULTE. Mr. Chairman, I rise in opposition to the amendment.

The amendment of the gentleman from Pennsylvania condones crime and goes entirely too far.

Mr. DIES. And does it not violate the very principle we are trying to establish, not to permit criminal aliens who are guilty of a crime involving moral turpitude to remain here?

Mr. SCHULTE. That is the point exactly, and I do hope the Committee votes down the amendment, because, as I say, it goes entirely too far.

Mr. HANCOCK of New York. Mr. Chairman, I call the attention of the gentleman to the fact that this House 2 weeks ago passed half a dozen bills for the relief of aliens who entered this country through fraudulent passports.

Mr. SCHULTE. We can take up those specially, as we have done in the past. I hope the Committee votes down the amendment of the gentleman from Pennsylvania [Mr. BRADLEY].

Mr. CELLER. Mr. Chairman, I ask recognition in support of the amendment. I call attention of the Committee to the fact that if an examination is made of the so-called 8,000 cases referred to this afternoon, it will be found very likely that more than half of them are those very cases that will be covered by the amendment of the gentleman from Pennsylvania [Mr. BRADLEY]. We have a distinguished official of the Department of Labor in the gallery today, Mr. Edward J. Shaughnessy, for years Deputy Commissioner of Immigration and Naturalization and now Acting Commissioner of the Immigration and Naturalization Service. I know of no more conscientious or distinguished official in the Department of Labor than Edward J. Shaughnessy. All who have come in contact with him will always remember his courtesy and cooperation. I am pleased to state that I have always had for him the highest regard and esteem. He can readily testify to the vast number of bogus passport cases. I am quite sure that he, too, feels that the bill under consideration will be valueless without this amendment; that unless you adopt this amendment these 8,000 cases would be in a very bad way. There are many of these individuals who desired to come to this country to escape prosecution and the rigors and hardships that were attendant upon their stay in Europe who were inveigled, enticed into fraudulent arrangements even with American officials, to whom they paid money to get either visas or passports. They are not criminals in the ordinary sense, they are victims of circumstances. We do not condone crime, as the gentleman from Indiana [Mr. SCHULTE] has said, by passing this amendment. We differentiate between those who are hardened criminals and those who had the misfortune to be entrapped into these arrangements before coming here. You may as well strike out section 2 in its entirety unless you accompany it with this amendment.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. KRAMER. The gentleman is a member of the bar, and he is aware of the fact that the crime of perjury is as great as the crime of robbery.

Mr. CELLER. But this is not perjury. These victims are not guilty of perjury in any sense of the word in actuality. Pro forma they may be guilty of perjury, but not in essence. They never intended to commit perjury. They wanted to come over here; and these criminals, even American representatives in the Consular Bureau, enticed and inveigled them into the payment of money to get these bogus passports.

Mr. HALLECK. Does the gentleman understand that this amendment would apply to aliens or residents of foreign lands who hereafter by fraudulent action obtain entry to this country?

Mr. CELLER. No. You have before you your 4-year provision here, and that answers the gentleman's inquiry.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MARTIN of Colorado. Mr. Chairman, since I stuck out my neck here in the House on these hardship cases about 3 years ago as 1 of 90 Members who voted on a roll call for a bill for their relief and am going to stick it out again, I want to say why and give you a hardship case which is no doubt typical of hundreds of other cases in this country. A native of the Republic of Mexico brought his family to my district in the State of Colorado, with several children. His wife died. He took the youngest of these children, a little girl about 2 years of age, back to old Mexico. This was shortly prior to the passage of the immigration law of 1924. He kept her there just long enough to overstay the 1924 act under which she could not return to the United States without a visa. He then took the child to El Paso and sent her back to the town where the rest of his children were still living, in my district in Colorado. So it will be seen that she reentered without a visa.

At that time she was not more than 4 or 5 years old. About 3 years ago when this young girl was a pupil in high school in a fine American town in my district, after she had gotten to be 15 years of age, she was seized by the immigration authorities and ordered deported from the United States, and at the very time the bill to relieve these hardship cases came up here 3 years ago, I had been down, under the demands of the leading citizens of that town, the school superintendent, the mayor, the editors of the papers, the leading businessmen, almost on my knees in the Immigration Bureau begging for this little girl's life, for that is what it amounted to. I think I did something that some other Members did not do. I have understood that some other Members of this body who were in a similar situation voted against the bill when it came up in the House. I did not do that. I voted for it. I could not find it in my conscience to be begging down there for the life of this young girl at this time when they wanted to send her to old Mexico after her father had become blind and a pauper, at a time when it would have been better to take her out and shoot her, and then vote against the bill.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield? Mr. MARTIN of Colorado. Yes.

Mr. SIROVICH. There has been no finer interpretation of these hardship cases than has been manifested by the Acting Commissioner General of Immigration, Mr. Shaughnessy, and I am sure if the gentleman had called this case to his attention he could have found a way to help him.

Mr. MARTIN of Colorado. Yes, they have let her stay, awaiting the action of Congress, and they have been accused of violating the law for keeping this and similar cases in the country, and there are hundreds of others in the same category. If there has been any failure on the part of the immigration authorities to deport such cases I have information that much of the humanitarian leniency shown was due to the insistence of Members of both bodies here on the hill, who, when the show-down came, left the Bureau of Immigration holding the sack by voting against the very discretion they were asking it to exercise in individual cases.

Mr. Chairman, I have heard it stated by those better versed than I in the immigration laws, that they are a hodge-podge beyond the understanding of the Bureau of Immigration itself, but it does not take a very deep knowledge of the subject to understand this bill. It is a very simple measure. It is practically all to be found in sections 1 and 2 of the bill. Section 1 deals with deportations and section 2 with the hardship cases.

Section 1 provides that an alien shall be promptly deported, regardless of when he entered the United States, under the following conditions: (1) If he is hereafter convicted in the United States within 5 years of the institution of deportation proceedings of a crime involving moral turpitude, for which he is committed to a penal institution; (2) or has been convicted in the United States within 5 years of the institution of deportation proceedings against him of the crime of possessing or carrying any firearms; (3) or has been convicted of violation of any narcotic law, State or local; (4) or has knowingly and for gain aided in any manner in the illegal entry of another alien into the United States.

Section 5 states that these provisions are in addition to the provisions of existing law, so there is no weakening or liberalizing of the existing immigration laws, but a real tightening up of the laws. It is said that these provisions will enable the deportation of 23,000 criminal aliens who are now in this country. The objection to this section is that it does not go far enough, but in view of the fact that there is no law for the deportation of these criminal classes, and that the defeat of the bill would still leave this large class of alien criminals at large in the country, to be handled in some way by future legislation, it strikes me that the bill is a desirable step forward and should not be defeated simply because it does not do more.

Now, Mr. Chairman, let me come to section 2 of the bill, the hardship cases. This section provides that an alien who has entered the United States illegally (a) and has lived here continuously for not less than 10 years; (b) or not less than 1 year and has a parent, spouse, or legally recognized child; (c) or is a minor and has a brother or sister who is lawfully in the United States, may be permitted by the Secretary of Labor to remain in the United States of America, provided the alien is not an anarchist, and so forth, and has not violated the narcotic laws and other laws involving moral turpitude. The total number of these persons which the Secretary of Labor may permit to remain in the country is 8,000, spread out over a period of 4 years, the power terminating at the end of 4 years from the enactment of the bill.

Not all of the 8,000 may be permitted to remain, but that is the limit which may be permitted, and everyone who is permitted to remain will be charged up to the quota of the country of their origin and reduce by that amount the number of new aliens who may come into the country under the quota, and in that way cancel off the hardship cases insofar as any additional immigration is concerned.

I make this brief analysis of the hardship section by reason of the very loose language indulged in by some of the Members who are opposing the legislation. One Member this afternoon, after stating that the Secretary of Labor will have the right to deport up to 3,500 persons the first year and 1,500 each succeeding year thereafter, without mentioning the time limit of 3 additional years fixed in the bill, then asked if we knew how many people had been coming into this country under the quotas in the last 6 years. He answered his own question by stating that it was 16,000 a year, and then he wanted to know if we were going to give this woman—Mme. Perkins—authority to pass upon whether nearly one-third of that number shall be deported. He meant, of course, giving new authority to not deport them. I am not able to figure out how 1,500 comes to one-third of 16,000 in addition to which the 1,500 refers to people already in. The only thing about that statement which impressed me was the small annual number now coming into the United States under the quota system. The figure to which I am referring, 16,000, is not very far wrong. The total coming into the United States

in 1936 from all countries under the quota system, was 18,675. The startling thing about the immigration figures for the past few years is not simply the almost negligible number coming in, when compared with the total volume of our population, but the fact that the exodus has exceeded the influx and that during the past 5 years far more aliens have left the United States than have entered it. For the information and convenience of Members, I shall insert the figures for the 5-year period, 1932 to 1936, inclusive, embracing all classes of aliens, not half of which are quota aliens.

Year	Aliens entering	Aliens leaving
1932.....	35,576	103,295
1933.....	23,068	80,481
1934.....	20,470	39,771
1935.....	34,556	38,834
1936.....	36,329	35,817
Total.....	158,609	298,198
Total leaving.....		298,198
Total entering.....		158,609
Alien deficit.....		139,499

Only last year, 1936, did the number entering exceed the number leaving and then by only 500. For the 5-year period the total leaving exceeded the total entering by 139,499. There ought to be some assurance in these figures for those who fear the effects of foreign immigration, and that the immigration laws demand greatly increased restrictions. Unquestionably in years past they were far too lax. The disquieting thing revealed by the ebb tide of aliens is that so many of them came to this great country because of its superior advantages and have found it in their way to go whence they came.

Under the quota system, about 150,000 aliens may enter this country annually. The number who have been availing themselves of the privilege in recent years ranges from 10 to 20 percent of the quota. Here is a problem for our consideration very much larger than 8,000 hardship cases. No such thing ever happened before to America.

Mr. Chairman, I want to compliment the able gentleman from Texas [Mr. DIES] on this bill. No Member of the House has been more active than he in promoting legislation to restrict immigration and to prevent the entrance of undesirable alien classes and get rid of those that are here. I feel that he has accomplished a result in this bill which entitles it to the support of reasonable-minded men, while at the same time vesting a needed discretion in the Department of Labor, a discretion which must be lodged somewhere, to take care of the hardship cases, which has been hanging over both the Department and the Congress the past 5 or 6 years.

Now, there is an opportunity presented to this Congress to relieve those cases, and God knows they need relief. I do not see how any Member of Congress who has ever had any knowledge of these hardship cases or any connection with them could find it in his heart and conscience to vote against this bill. I cannot. I am not looking to the attitude of any organization for or against this bill. I am only interested in doing my duty under my conscience. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado [Mr. MARTIN] has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BRADLEY].

The question was taken; and on a division (demanded by Mr. PHILLIPS) there were—ayes 67 and noes 57.

So the amendment was agreed to.

Mr. FITZPATRICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZPATRICK. Is there not another amendment pending?

The CHAIRMAN. The amendment which the Clerk is now about to report.

Mr. SMITH of Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. Will the Chair state the parliamentary situation with reference to my amendment to strike out the paragraph?

The CHAIRMAN. The amendment offered by the gentleman from Virginia is still pending and will be disposed of, of course.

Mr. JENKINS of Ohio. Mr. Chairman, did I understand the Chair to state that the amendment offered by the gentleman from Virginia is still pending?

The CHAIRMAN. It is.

Mr. JENKINS of Ohio. The amendment which I have sent to the desk is not a perfecting amendment. I will offer it as a substitute amendment if it does not involve the situation.

The CHAIRMAN. The Chair thinks the gentleman from Ohio cannot offer a substitute to the amendment offered by the gentleman from Virginia, which is to strike out the section.

The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

Mr. FITZPATRICK. Mr. Chairman, may we have the amendment read?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Virginia [Mr. SMITH].

There being no objection, the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken and on a division (demanded by Mr. SMITH of Virginia) there were ayes 44 and noes 86.

So the amendment was rejected.

Mr. JENKINS of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio: Strike out all of section 2 and insert in lieu thereof the following:

"Sec. 2 (a). Except an alien deportable under the act of October 16, 1918, entitled 'An act to exclude and expel from the United States aliens who are members of the anarchist and similar classes', as amended by the act of June 5, 1920 (40 Stat. 1012; 41 Stat. 1008; U. S. C., title 8, sec. 137), or the act of May 26, 1922, entitled 'An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes", approved February 9, 1909, as amended' (42 Stat. 596; U. S. C., title 21, sec. 175), or the act of February 18, 1931, entitled 'An act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics' (46 Stat. 1171; U. S. C., title 8, sec. 156a), or the provisions of the act of February 5, 1917, entitled 'An act to regulate the immigration of aliens to and the residence of aliens in the United States' (39 Stat. 874; U. S. C., title 8, sec. 156), relating to criminals, prostitutes, procurers, or other like immoral persons, or an alien who is insane or psychopathically inferior, or an alien deportable by virtue of the terms of section 1 hereof, or an alien ineligible to citizenship, the Secretary of Labor may permit to remain in the United States any alien found subject to deportation if he has lived continuously in the United States for at least 5 years and has living in the United States a spouse or child who is a citizen of the United States."

Mr. JENKINS of Ohio. Mr. Chairman, section 2 of this bill gives to Mme. Perkins the right to grant amnesty to certain people. Now, the people to whom she cannot grant amnesty are set forth in the Dies bill and are included in this amendment. This amendment of mine adds to the list just those who are already prohibited by statute, and deportable. That is all it does in that respect. But here is the crux of the amendment. It provides that Mme. Perkins can grant amnesty only to one class of people. For instance, to those who have lived in this country 5 years and have a wife or husband or child, a citizen of the United States, and who has not committed any of these heinous offenses enumerated in the paragraph of exceptions. In section 1 of this bill you voted four new classes to be deportable, and you said they are mandatorily deportable, but if you pass this bill as it is, three of those classes will be subject to amnesty by Mme. Perkins. You are undoing what you did a while ago, and you are opening up the doors. Are we going to allow Mme. Perkins to control four or five thou-

sand of these people when we can lay down a formula in plain English that is consonant with the spirit of Americanism, consonant with the spirit of the people who sent you here who believe in restrictive immigration?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. JENKINS] has expired.

Mr. KENNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEY: Page 4, line 9, strike out subsection (b) of section 2.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was rejected.

Mr. HANCOCK of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Page 3, line 24, after "Provided", strike out balance of line 24, all of line 25, and the words "section after the elapse", in line 1, page 4, and insert "the authority granted the Secretary of Labor under subdivision (a) of this section shall cease after the lapse."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. JENKINS].

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That Secretary of Labor may specifically designate persons holding supervisory positions in the Immigration and Naturalization Service to issue warrants for the arrest of aliens believed to be subject to deportation under this or any other statute: *Provided*, That no person shall act under a warrant issued by himself.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this opportunity to point out to the Members a few considerations in regard to what we have heard this afternoon about perjury, forged passports, and moral turpitude. Consider your own situation if you were in this country as an alien escaping prosecution abroad; suppose that your mother, your brother, your sister, or some other relative were subject to persecution abroad, subject possibly to imprisonment, subject possibly to danger to life; suppose further you had tried in every lawful way to get that parent or that relative into this country but had failed, would you not then do everything you could to get that relative in here illegally? If you did, you would be guilty of a crime which some of the Members, possibly not considering the matter in its fullest aspect, have dubbed moral turpitude.

It is moral turpitude, but in a sense it is not; so I ask the Members to give their thought to this aspect of the problem before us.

By unanimous consent, the pro-forma amendment was withdrawn.

The Clerk read as follows:

SEC. 4. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this act.

SEC. 5. The provisions of this act are in addition to and, except where previous laws are expressly amended, not in substitution for the provisions of the immigration laws (including section 19 of the Immigration Act of Feb. 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155)), and shall be enforced as a part of such laws.

SEC. 6. Clause (B) of paragraph (1) subsection (a) of section 6 of the Immigration Act of 1924 (43 Stat. 155), as amended (U. S. C., title 8, sec. 206 (a)), which grants to quota immigrants, skilled in agriculture, their wives, and their dependent children under the age of 18 years a preference within the quota, is repealed.

SEC. 7. Section 1, subdivision (a), clause (1), of the act entitled "An act to supplement the naturalization laws, and for other purposes", approved March 2, 1929 (45 Stat. 1512), as amended, is hereby amended to read: "Entered the United States prior to July 1, 1924."

SEC. 8. (a) At the end of each fiscal year the Secretary of Labor shall report to the Secretary of State the number and (as determined in accordance with section 12 of the Immigration Act of 1924 (43 Stat. 160; U. S. C., title 8, sec. 212)), the nationality of all aliens who—

(1) Were allowed to remain in the United States under section 2 or were registered under section 7; and

(2) Entered the United States on or after June 3, 1921, and were not charged to any quota at the time of their last entry.

(b) The Secretary of State shall deduct the number of aliens so reported from the appropriate quotas (determined in accordance with the provisions of section 11 of the Immigration Act of 1924 (43 Stat. 159; U. S. C., title 8, sec. 211)), for the next succeeding fiscal year, or for later fiscal years if necessary to account for the whole number of aliens so reported.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I make this motion in order to answer some inquiries that have been made as to how much longer the consideration of this bill will take. I may say that we on this side of the aisle do not have any more amendments. I may say, however, to those who yet are restrictionists, that they will have a chance to vote and by that vote to indicate whether they really are restrictionists when I offer my motion to recommit. I hope that a goodly number may repair to the standard of restriction of immigration and that there will be enough vote for that motion, so that we may have a real deportation bill such as the country demands, and not a bill that will meet the approval of those who have always stood on the floor of this House seeking to lay down the bars.

The Clerk read as follows:

SEC. 9. During the year following the enactment of this act, the Secretary of Labor may permit to remain in the United States any alien who has heretofore been temporarily admitted, if the alien is found by the Secretary of Labor to be a person whose presence in the United States will promote the cultural, educational, and industrial interests of the people of the United States. The number of aliens so permitted to remain in the United States shall not exceed 100, and the date of the alien's admission for permanent residence shall be as of the date of the order of the Secretary of Labor permitting him to remain.

Mr. DOWELL. Mr. Chairman, I move to strike out section 9.

Mr. DICKSTEIN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The Chair does not recognize the gentleman from New York for that purpose. The gentleman from Iowa was on his feet seeking to offer an amendment. "The gentleman from Iowa is recognized for 5 minutes."

Mr. DOWELL. Mr. Chairman, I move to strike out section 9.

Mr. Chairman, I have made this motion for the purpose of asking the chairman of the committee the purpose of this section.

Mr. DICKSTEIN. Mr. Chairman, I can answer the gentleman's inquiry, but I think the gentleman from Texas [Mr. DIES] can answer it better. It appears that there are about 100 Catholic nuns in the hospitals of Texas.

Mr. DIES. Mr. Chairman, will the gentleman from New York yield?

Mr. DICKSTEIN. I yield.

Mr. DIES. I can explain the amendment to the gentleman, for I offered it in the first place. There are about 100 student nuns engaged in charitable work, women who give their entire time to charitable purposes without a dollar's pay. Under existing immigration laws when their permit for temporary stay in the United States expires they must be sent back to Ireland. They cannot come back to this country until they can get in under the quota. These people are not taking a paid job away from anyone.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DICKSTEIN. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UMSTEAD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill

(H. R. 6391) to authorize the prompt deportation of criminals and certain other aliens, and for other purposes, pursuant to House Resolution 229, he reported the same back to the House with an amendment agreed to in committee.

The SPEAKER. Under the rule, the previous question is ordered on the bill and amendment to final passage.

The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 163, noes 46.

Mr. FISH. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

Mr. O'CONNOR of New York. Mr. Speaker, the mere fact that the division does not show that a quorum is present does not mean a quorum may not be present. A quorum may be present.

The SPEAKER. The Chair intended to count. The Chair will count. [After counting.] Two hundred and thirty-three Members are present, a quorum.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. JENKINS of Ohio. Mr. Speaker, I offer a motion to recommit.

The Clerk read as follows:

Mr. JENKINS of Ohio moves to recommit the bill to the Committee on Immigration and Naturalization with instructions to report the same back forthwith with the following amendment: Strike out all of section 2 and insert in lieu thereof the following:

"Sec. 2. (a) Except an alien deportable under the act of October 16, 1918, entitled 'An act to exclude and expel from the United States aliens who are members of the anarchist and similar classes', as amended by the act of June 5, 1920 (40 Stat. 1012; 41 Stat. 1008; U. S. C., title 8, sec. 137), or the act of May 26, 1922, entitled 'An act to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes", approved February 9, 1909, as amended' (42 Stat. 596; U. S. C., title 21, sec. 175), or the act of February 18, 1931, entitled 'An act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics' (46 Stat. 1171; U. S. C., title 8, sec. 156a), or the provisions of the act of February 5, 1917, entitled 'An act to regulate the immigration of aliens to and the residence of aliens in the United States' (39 Stat. 874; U. S. C., title 8, sec. 156), relating to criminals, prostitutes, procurers, or other like immoral persons, or an alien who is insane or psychopathically inferior, or an alien deportable by virtue of the terms of section 1 hereof, or an alien ineligible to citizenship, the Secretary of Labor may permit to remain in the United States any alien found subject to deportation if he has lived continuously in the United States for at least 5 years and has living in the United States a spouse or child who is a citizen of the United States."

Mr. DICKSTEIN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Ohio demands a division. All those in favor of the motion will rise and stand until counted.

Mr. JENKINS of Ohio (interrupting the count). Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman's request is not in order while the House is dividing.

Mr. MAPES. Mr. Speaker, a point of order.

The SPEAKER. The Chair thinks it has discretion to conclude the count on a division before entertaining another request.

Mr. MAPES. I never knew the Chair to make such a ruling before.

The SPEAKER. The Chair now makes it.

Mr. MAPES. As a lawyer said in addressing the court, "If Your Honor says so, that is the law."

The House divided; and there were—ayes 33, noes 176.

The SPEAKER. The Chair thinks it proper to state to the gentleman from Michigan that he meant no disrespect to the gentleman, and the Chair feels the gentleman was not deprived of any parliamentary privilege.

Mr. JENKINS of Ohio. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. BACON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

The question was taken, and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill H. R. 6391, that I consider the most ill-advised and ill-considered bill that has passed during this session of the Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

(Mr. DIRKSEN and Mr. MAVERICK asked and were given permission to extend their own remarks in the RECORD.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GRAY of Pennsylvania, until June 15, on account of important business.

To Mr. ZIMMERMAN, for 1 week, on account of serious illness in his family.

To Mr. PEARSON, for 2 days, on account of important business in his district.

To Mr. MOSIER of Ohio, for 4 days, on account of important business.

To Mr. PLUMLEY, for 2 weeks, on account of official business.

To Mr. RICHARDS, for 3 days, on account of illness in family.

PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's table and the disposition of the legislative program in order for that day, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the bill (H. R. 6391) to authorize the prompt deportation of criminals and certain other aliens, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

(Mr. PATRICK and Mr. O'BRIEN of Michigan asked and were given permission to extend their own remarks in the RECORD.)

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. Speaker, on behalf of the following gentlemen, I ask unanimous consent that they may have leave of absence for 4 days on account of official business: Mr. MAAS, Mr. HEALEY, Mr. MOTT, Mr. CASEY of Massachusetts, Mr. HIGGINS, Mr. BREWSTER, Mr. HAMILTON, Mr. BATES, Mr. FORAND, Mr. OLIVER, and Mr. MAGNUSON.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I had permission to address the House for 15 minutes on Monday next, but have turned that time over to another Member who needed it more than I did.

I now ask unanimous consent that I may address the House for 15 minutes on Tuesday, after the reading of the Journal

and disposition of business on the Speaker's table, following consideration of the legislative program of that day.

The SPEAKER. Will the gentleman include in his request also the special orders of the day?

Mr. DICKSTEIN. And following the special orders heretofore made, Mr. Speaker.

Mr. SNELL. Mr. Speaker, reserving the right to object, how many hours have we now set aside for special orders after the completion of the regular business on Tuesday?

Mr. MICHENER. Does the request of the gentleman from New York [Mr. DICKSTEIN] mean that he is to speak before we adjourn?

Mr. RAYBURN. Many of the gentlemen who have permission to address the House at 5:30 or 6 o'clock in the afternoon do not claim their time.

Mr. SNELL. I think we ought to have an understanding about that.

Mr. RAYBURN. On Tuesday there will probably be the conference report on the C. C. C., and following that there will be the nonmilitary War Department appropriation bill. I rather think these matters are going to take the day.

Mr. SNELL. I may suggest to the majority leader we ought to have an understanding that when we have an hour or 2 hours after the completion of the regular business of the day nothing new will be brought up, including unanimous-consent requests. If Members want to talk to the Members who may be here, all right, but the rest of us would not be obliged to stay.

Mr. RAYBURN. I may say to the gentleman that when the legislative program for today is over—and it is always over before these speeches begin—there will be no further legislation considered on that day.

Mr. SNELL. What about unanimous-consent requests for consideration of private bills or matters of that sort? Does the gentleman consider the entire work of the day to be over except for such speeches?

Mr. RAYBURN. I consider the entire legislative program of the day is over when such speeches begin.

Mr. SNELL. That is what I want to have a definite understanding about.

The SPEAKER. Does the gentleman from New York desire an answer to his parliamentary inquiry with respect to the time already granted for special orders?

Mr. SNELL. Yes, Mr. Speaker.

The SPEAKER. The Chair may state that prior orders have already been made for 1 hour of time after the completion of the legislative program on Tuesday.

Mr. SNELL. I am not going to object, Mr. Speaker.

Mr. MICHENER. Mr. Speaker, reserving the right to object, there will be no one here at that hour. Why cannot the gentlemen take 5 minutes if they want to get their remarks in the Record, and extend their remarks, and not punish the Speaker and the rest of the Members who may have to stay here?

Mr. DICKSTEIN. I am not going to punish the Members of the House after 5 o'clock, but if there is a break in the legislative program, I shall take the time.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KELLER. Mr. Speaker, I am not going to burden the empty seats here after the business of the day is over by delivering a speech. I do not do it that way. I have spoken only a few times since coming into this House. I have never spoken yet unless I have given a great deal of care and attention to the preparation of the speech I intended to give. I am not going to do otherwise at the present time.

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I call the attention of the House to the fact that in the RECORD of June 8, instead of standing here and talking to the empty benches, I inserted an address which I think is worthy of attention. This is an address on income-tax dodging, which I delivered in this House on the 16th day of July 1932, in which I set out completely exactly the same things the Secretary of the Treasury communicated to the President, as stated in the President's message the other day.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 236

Resolved, That LEON SACKS, of the State of Pennsylvania, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Patents.

The resolution was agreed to.

Mr. DOUGHTON. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 237

Resolved, That A. J. ELLIOTT, of the State of California, be, and he is hereby, elected a member of the standing committees of the House of Representatives on the Public Lands and Public Buildings and Grounds.

The resolution was agreed to.

OCCUPATIONAL EXCISE TAX ON MARIHUANA

Mr. DOUGHTON. I ask unanimous consent for the present consideration of the bill (H. R. 6906) to impose an occupational excise tax upon certain dealers in marihuana, to impose a transfer tax upon certain dealings in marihuana, and to safeguard the revenue therefrom by registry and recording.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, and notwithstanding the fact that my friend, REED, is in favor of it, is this a matter we should bring up at this late hour of the afternoon? I do not know anything about the bill. It may be all right and it may be that everyone is for it, but as a general principle, I am against bringing up any important legislation, and I suppose this is important, since it comes from the Ways and Means Committee, at this late hour of the day.

Mr. DOUGHTON. I may say to the distinguished gentleman from New York that we have a unanimous report from the committee on this bill and there is no objection, and while we would like to get it passed, if there is any objection, I shall not insist, of course.

Mr. SNELL. This is an illustration of the situation I was talking to the majority leader about a few moments ago. If we hold a session until late in the day and somebody brings up a piece of legislation, the average Member knows nothing about it, and while it is probably all right, it is hardly fair to take it up at that time.

Mr. RAYBURN. Mr. Speaker, if the gentleman will yield, I may say that the gentleman from North Carolina has stated to me that this bill has a unanimous report from the committee and that there is no controversy about it.

Mr. SNELL. What is the bill?

Mr. RAYBURN. It has something to do with something that is called marihuana. I believe it is a narcotic of some kind.

Mr. FRED M. VINSON. Marihuana is the same as hashish.

Mr. SNELL. Mr. Speaker, I am not going to object but I think it is wrong to consider legislation of this character at this time of night.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 329. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen;

S. 790. An act to continue in effect until June 30, 1939, the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935; and

S. J. Res. 155. Joint resolution to create a Joint Congressional Committee on Tax Evasion and Avoidance.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

- H. R. 545. An act for the relief of Dean Scott;
- H. R. 1013. An act for the relief of Irvin Pendleton;
- H. R. 1084. An act for the relief of Samuel Cripps;
- H. R. 2042. An act for the relief of Joshua L. Bach;
- H. R. 2223. An act for the relief of Mr. and Mrs. Walter B. Johnson and Joy Johnson, a minor;
- H. R. 3031. An act to provide for the establishment of Coast Guard stations along the Maine coast;
- H. R. 3411. An act to amend section 112 of the Judicial Code to provide for the inclusion of Whitman County, Wash., in the northern division of the eastern district of Washington;
- H. R. 3738. An act for the relief of Clifford Y. Long;
- H. R. 4457. An act for the relief of Naomi Lee Young;
- H. R. 4508. An act for the relief of Margaret Grace and Alice Shriner;
- H. R. 4893. An act authorizing the Secretary of the Treasury to establish a Coast Guard station at the San Francisco Airport; to provide for quick rescue facilities on the San Francisco Bay; to strengthen the Immigration and Customs Service patrol; and for other purposes;
- H. R. 6438. An act to expedite the dispatch of vessels from certain ports of call; and
- H. J. Res. 350. Joint resolution authorizing a modification in the existing project for the improvement of the Illinois Waterway, Ill., and the abandonment of a portion of the Calumet River.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p. m.) the House adjourned until tomorrow, Friday, June 11, 1937, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON FLOOD CONTROL

The Committee on Flood Control will continue hearings on emergency and priority projects in the lower Ohio Basin at 9:30 a. m. Friday, June 11, 1937.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed by the Committee on the District of Columbia to consider H. R. 2732, a bill providing retirement pay for police, municipal, and juvenile court judges, will meet Friday, June 11, 1937, at 10:30 a. m., in room 345, House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will resume public hearings in room 219, House Office Building, Washington, D. C., June 15, 1937, at 10 a. m., on H. R. 5719, known as the water-carrier bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will resume hearings at 10 a. m. on H. R. 6968, to amend the Securities Act of 1933, Wednesday, June 16, 1937.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 7409. A bill providing for the sale of the two dormitory properties belonging to the Chickasaw Nation or Tribe of Indians, in the vicinity of the Murray State School of Agriculture at Tishomingo, Okla.; with amendment (Rept. No. 1007). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMBETH: Committee on Printing. S. 2242. An act to further amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended without amendment (Rept. No. 1008). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHANDLER: Committee on the Judiciary. H. R. 4605. A bill relating to the accommodations for holding court at Shawnee, Okla.; with amendment (Rept. No. 1009). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Department of Labor (Rept. No. 991). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Panama Canal (Rept. No. 992). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Department of Agriculture (Rept. No. 993). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Veterans' Administration (Rept. No. 994). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the War Department (Rept. No. 995). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the National Emergency Council (Rept. No. 996). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Federal Communications Commission (Rept. No. 997). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Works Progress Administration (Rept. No. 998). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Post Office Department (Rept. No. 999). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Home Owners' Loan Corporation (Rept. No. 1000). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Department of State (Rept. No. 1001). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Department of the Interior (Rept. No. 1002). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Department of Commerce (Rept. No. 1003). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Federal Trade Commission (Rept. No. 1004). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 420. A bill for the relief of Marjorie L. Baxter; with amendment (Rept. No. 954). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 851. A bill for the relief of A. F. Amory; with amendment (Rept. No. 955). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 1075. A bill for the relief of H. G. Harmon; with amendment (Rept. No. 956). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 1114. A bill for the relief of Agnes Ewing Harter; with amendment (Rept. No. 957). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 1122. A bill for the relief of Mat Hensley; with amendment (Rept. No. 958). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. H. R. 1207. A bill for the relief of H. T. Campbell and E. O. O'Neal; with amendment (Rept. No. 959). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 1355. A bill for the relief of Lawrence E. Thomas; with amendment (Rept. No. 960). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 1734. A bill for the relief of Sam Romack; with amendment (Rept. No. 961). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 2353. A bill for the relief of the Bolinross Chemical Co.; with amendment (Rept. No. 962). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 2358. A bill for the relief of Dwain D. Miles; with amendment (Rept. No. 963). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 2740. A bill for the relief of John N. Brooks; with amendment (Rept. No. 964). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 3192. A bill for the relief of Clifford L. Bohn; with amendment (Rept. No. 965). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 3745. A bill for the relief of W. H. Lenneville; with amendment (Rept. No. 966). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 4257. A bill for the relief of H. A. Montgomery; with amendment (Rept. No. 967). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4260. A bill for the relief of C. J. Murrill; with amendment (Rept. No. 968). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 4378. A bill for the relief of William Sperry; with amendment (Rept. No. 969). Referred to the Committee of the Whole House.

Mr. BEVERLY M. VINCENT: Committee on Claims. H. R. 4526. A bill for the relief of Lake Spence; with amendment (Rept. No. 970). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 4527. A bill for the relief of Mrs. E. V. Cockerhan, mother and natural guardian of Luther Jennings Workman; with amendment

(Rept. No. 971). Referred to the Committee of the Whole House.

Mr. JACOBSEN: Committee on Claims. H. R. 4622. A bill for the relief of Henry Clay Gibson; with amendment (Rept. No. 972). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. H. R. 4875. A bill for the relief of Paul H. Norboe; with amendment (Rept. No. 973). Referred to the Committee of the Whole House.

Mr. JACOBSEN: Committee on Claims. H. R. 5144. A bill for the relief of Ludwig Bahnweg; with amendment (Rept. No. 974). Referred to the Committee of the Whole House.

Mr. BEVERLY M. VINCENT: Committee on Claims. H. R. 5168. A bill for the relief of Ethel B. Lord; with amendment (Rept. No. 975). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 5229. A bill for the relief of Carson Bradford; with amendment (Rept. No. 976). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 5622. A bill for the relief of Marion Malik; with amendment (Rept. No. 977). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 6010. A bill for the relief of William Sullivan; with amendment (Rept. No. 978). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 6574. A bill for the relief of E. W. Ross; with amendment (Rept. No. 979). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. S. 171. An act for the relief of George E. Shockley; with amendment (Rept. No. 980). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. S. 630. An act for the relief of the Sheehy Drilling Co.; without amendment (Rept. No. 981). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 707. An act for the relief of Lucille McClure; with amendment (Rept. No. 982). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse; without amendment (Rept. No. 983). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 828. An act for the relief of Ellen Taylor; with amendment (Rept. No. 984). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 1048. An act for the relief of Alexander E. Kovner; with amendment (Rept. No. 985). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. S. 1257. An act for the relief of James H. Smith; with amendment (Rept. No. 986). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 1849. An act for the relief of the Goldenberg Furniture Co.; with amendment (Rept. No. 987). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. S. 1934. An act for the relief of Halle D. McCullough; with amendment (Rept. No. 988). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2266. An act for the relief of John A. Ensor; with amendment (Rept. No. 989). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. Senate Joint Resolution 30. Joint resolution for the relief of William K. Richardson; with amendment (Rept. No. 990). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 6059. A bill for the relief of Edith Jordan; with amendment (Rept. No. 1005). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 1729. A bill for the relief of Russell J. Vaughan; with amendment (Rept. No. 1006). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARRETT: A bill (H. R. 7467) to authorize the erection of a Veterans' Administration hospital in the State of Texas; to the Committee on World War Veterans' Legislation.

By Mr. WILLIAMS: A bill (H. R. 7468) to provide for the punishment of persons stealing animals moving in interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHULTE: A bill (H. R. 7469) to authorize collection of information concerning amount of prison-made goods produced in State and Federal prisons, and for other purposes; to the Committee on Labor.

By Mr. FISH: A bill (H. R. 7470) to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: A bill (H. R. 7471) authorizing the acquisition of timberlands within the boundary of the former Siletz Indian Reservation for the use and benefit of the Indians of western Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. KENNEDY of Maryland: A bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. STEFAN: A bill (H. R. 7473) to amend the act entitled "An act to safeguard the estate of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes"; to the Committee on World War Veterans' Legislation.

By Mr. CROSSER: A bill (H. R. 7474) to amend the Interstate Commerce Act, as amended, to promote the safety of travel in air, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EICHER: A bill (H. R. 7475) to regulate interstate and foreign commerce in agricultural products yielding exportable surpluses; to prevent unfair competition by forbidding the purchase of such products from producers for less than cost of production; to fix the value of money therein; to provide for the orderly marketing of such products; to set up emergency reserves from, and to make loans on, certain export percentages; to authorize debentures for processed and manufactured agricultural products for export; to provide for the general welfare; and for other purposes; to the Committee on Agriculture.

By Mr. GREEN: A bill (H. R. 7476) to provide funds for the initiation of a mapping program in the State of Florida; to the Committee on Merchant Marine and Fisheries.

By Mr. SPARKMAN: A bill (H. R. 7477) to provide a method for fixing wages, hours, and working conditions of custodial employees of the Federal Government in the District of Columbia and in the field service, and for other purposes; to the Committee on Rules.

By Mr. MAHON of South Carolina: Resolution (H. Res. 235) authorizing the substitution of a portrait of former Speaker James L. Orr; to the Committee on the Library.

By Mr. FARLEY: Joint resolution (H. J. Res. 406) to establish the General Anthony Wayne Memorial Commission to formulate plans for the construction of a permanent memorial to the memory of Gen. Anthony Wayne; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCK: A bill (H. R. 7478) granting a pension to Barbara Francis Keeley; to the Committee on Pensions.

By Mr. CITRON (by request): A bill (H. R. 7479) granting a pension to Lucy Amelia Thayer; to the Committee on Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 7480) granting an increase of pension to Emma Ridgeway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7481) granting the Distinguished Service Cross to Claude M. Nichols, United States Army; to the Committee on Military Affairs.

By Mr. MEEKS: A bill (H. R. 7482) granting an increase of pension to Katherine M. Heath; to the Committee on Invalid Pensions.

By Mr. SWEENEY: A bill (H. R. 7483) for the relief of Harry Morganstern; to the Committee on Military Affairs.

By Mr. WENE: A bill (H. R. 7484) for the relief of Berthel Christopher; to the Committee on Claims.

By Mr. WHITTINGTON: A bill (H. R. 7485) for the relief of Emmett Lee Payne; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2595. By Mr. KEOGH: Petition of the Brooklyn Chapter of the American Institute of Architects, Stephen W. Dodge, president, Brooklyn, N. Y., concerning the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

2596. Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, general grievance committee, Pennsylvania Lines East and Pennsylvania-Reading Seashore Lines, Philadelphia, concerning House bill 147, limiting the length of trains; to the Committee on Interstate and Foreign Commerce.

2597. By Mr. LEAVY: Resolution of the Spokane (Wash.) Junior Chamber of Commerce, urging the immediate adoption by the Post Office Department of the United States a standard cancellation attachment whose theme would bear upon the subject of traffic accidents and which theme shall admonish the general public to drive carefully; to the Committee on the Post Office and Post Roads.

2598. By Mr. PFEIFER: Petition of the Brotherhood of Locomotive Firemen and Enginemen, general grievance committee, Philadelphia, Pa., concerning House bill 147, to limit the length of trains; to the Committee on Interstate and Foreign Commerce.

2599. Also, petition of the Brooklyn Chapter of the American Institute of Architects, Brooklyn, N. Y., concerning the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

2600. Also, petition of the Wayne Lumber Co., Brooklyn, N. Y., concerning House bill 6738, exempting the marking requirement from any article imported during the past 5 years; to the Committee on Ways and Means.

2601. Also, petition of the Independent Steel and Iron Producers Committee on Scrap, New York City, concerning Senate bill 2025 and House bill 6278; to the Committee on Military Affairs.

2602. Also, telegram from the New York State Hairdressers and Cosmetologists' Association, New York City, concerning extension of 10 percent on cosmetics; to the Committee on Ways and Means.

2603. By Mr. SPARKMAN: Petition of Ora B. Yarbrough and various other citizens of Lawrence County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2604. Also, petition of Mollie Emerson and various other citizens of Madison County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.